

10/18/2019

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

COMPILATION OF WRITTEN COMMENTS FOR ADEM DIRECTOR JOB PERFORMANCE EVALUATION

ADEM Director Name: Lance R. LeFleur

Effective Date of ADEM Director's Appointment: 05/01/2010

Current Salary: \$172,737.60 Annually (Pay Grade 90, Step 18) – Top Step of Pay Grade

Date of Completion of Last Job Performance Evaluation: 10/19/2018

Period Covered in Current Job Performance Evaluation: 10/20/2018 – 10/18/2019

WRITTEN COMMENTS CONCERNING THE ADEM DIRECTOR'S JOB PERFORMANCE FROM THE GENERAL PUBLIC AND MEMBERS OF THE ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION ARE ATTACHED TO THE COMPILATION. THE FOLLOWING IS A LISTING OF THE COMMENT NUMBERS; NAMES OF THE COMMENTORS; AND ORGANIZATIONS AND LOCATIONS OF COMMENTORS (IF PROVIDED).

1. Hans Paul, Birmingham, AL
2. Jason Smith, Arab, AL
3. Wayne Smith
4. Michael Bullington
5. Forrest Fletcher
6. David Cole, Homewood, AL
7. Robert Young
8. Joseph D. Ackerson, Ph.D.
Pediatric & Sports Neuropsychologist
Clinical Director, Ackerson and Associates
Adjunct Clinical Professor, University of Alabama at Birmingham
Chair Alabama Statewide Sports Concussion Taskforce
9. Blane Sherron, Woodstock, AL
10. B. D. McCrary
11. Ryan Shipman, Birmingham, AL
12. Wendy Solomon, Fairhope, AL
13. A. Jones, Birmingham, AL
14. James R. Brittle, Vestavia Hills, AL
15. K. Heather Barrow
16. Michael Bentley
17. Joey Brackner
18. Jack Cobb
19. Russ Weaver
20. Delisa L. Brown
21. Mike Eddins, Tuscaloosa, AL
22. Brian Boehm, Boehm Brokers
23. Jake McCombs
24. Justin L. Sewell
25. Will Formby, Dawson, AL
26. Serena Blount
27. Brenda Bolton, Mobile, AL
28. Jacob Probus

29. C. D. Monroe, Washington, DC
30. John Earl
31. Mark Cook
32. Sean Taylor, Enterprise, AL
33. Michele Harmon, Alabama Voter & Founder of Alabama Coast United
34. Richard Dollison, Mobile, AL
35. Cynthia Nelms, Mobile, AL
36. Ben Payment
37. Eddie Maxwell, Bessemer, AL
38. Roger Gean
39. Martha Salomaa, Sipsey Heritage Commission
40. Daniel Holifield
41. Mike Wiman
42. Hampe Farmer
43. Joe Terry
44. Lew Hassell
45. Michael Letcher, Tuscaloosa, AL
46. Rees Denham
47. Jim Comer
48. Dustin Hatton, Tuscaloosa, AL
49. Brandon Wiman
50. Judson Milligan
51. Bradley Sparks
52. Jim Cline
53. Alex McArdle
54. Amanda Holditch
55. Jamie Sledge
56. Phillip Kilpatrick
57. Gary Brown, Homewood, AL
58. Jim Carswell
59. Austin Baecher
60. Don Gowen, Decatur, AL
61. Don Blakeley
62. William Sabo, Pell City, AL
63. Will Freeman
64. Lily Elmore
65. Patrick W. Townsend
66. Karen Thomas, MPH
67. Carol Taylor
68. Carol Taylor
69. Lisa Tarvin
70. Don Gowen, Decatur, AL
71. William Sealy
72. Kellie Owens, Cordova, AL
73. Ashley A. Hill
74. Taz Zahnd
75. Rodney L. Dennis, MD
76. Susan Kirkpatrick
77. Terral Wallace
78. Tim Jackson
79. Jane Reding

80. Carol Taylor
81. Marilyn Raney, Trussville, AL
82. Mrs. Ratliff
83. Ol Odis
84. Robbey Stanford
85. Bill Beaird
86. Angela Boozer
87. Anna Claire Rogers
88. Brad Barnett
89. Ernie Meinecke
90. Merrilee Challiss
91. Jamie Bissot, Fairhope, AL
92. Ashley Spotswood, Birmingham, AL
93. Marsha Oglesby
94. Fred W. Chatham
95. Kriten Berthiaume, Homewood, AL
96. Elizabeth Campbell
97. Dennis Carman, Lillian, AL
98. William E. Dodd
99. Garreth Price
100. Dr. Mark McIlwain
101. Thomas, J. Spraggins, Mayor, City of Alexander City, AL
102. Brenda Fraioli, Madison, AL
103. Michael Freeman, Auburn, AL
104. Pam Baugh, Birmingham, AL
105. Lisa Balazs, Hoover, AL
106. David Shaddix, Birmingham, AL
107. Frank Vogtner, Mobile, AL
108. Rona Donahoe, Tuscaloosa, AL
109. Amanda Graham, Dora, AL
110. Kyle Bedwell, Mobile, AL
111. Joyce Kent, Warrior, AL
112. Drew Hall, Odenville, AL
113. Laney DeJonge, Mountain Brook, AL
114. Heather Williams, Cullman, AL
115. Keith Moore, Oneonta, AL
116. Cindi Branham, Huntsville, AL
117. John Meehan, Fairfield, AL
118. Jean Brown, Hoover, AL
119. Alex Romei, Leeds, AL
120. Kaylee Burns, Birmingham, AL
121. Richard Glasgow, Birmingham, AL
122. Lisa Barrow, Vestavia Hills, AL
123. Kay Smith, Hoover, AL
124. Justinn Overton, Birmingham, AL
125. Richard Fuquay, Mobile, AL
126. William Potter, Huntsville, AL
127. Bob Farley, Birmingham, AL
128. David Martin, Stapleton, AL
129. Any Shu, Pelham, AL
130. Jasper Lee, Birmingham, AL

131. Michael Skotnicki, Homewood, AL
132. Debbie Pezzillo, Leeds, AL
133. B. Black, McCalla, AL
134. David LaFon, Vestavia, AL
135. Kelly Marshall, Birmingham, AL
136. Gary Sloan, Tuscaloosa, AL
137. John Saad, Homewood, AL
138. Jim Graham, Opelika, AL
139. Eric V. Muth
140. Asa Harris, Eufaula, AL
141. Jeff Galway
142. Leigh Ann Courington
143. Jack Mitchell, Boaz, AL
144. Mariann Schmitz, Hoover, AL
145. Matt Malczyk, Auburn, AL
146. Geoffrey Kiker, Gardendale, AL
147. Becky Smith, Mountain Brook, AL
148. Tammy Monistere Herrington, Executive Director, Conservation Alabama, Mobile, AL
149. Eartha McGoldrick, Birmingham, AL
150. Kristina Visscher, Birmingham, AL
151. Catherine Dellinger, Birmingham, AL
152. Elizabeth Quinn, Huntsville, AL
153. John Vines, Bessemer, AL
154. Paul Hawley
155. Haley Nichols, Guntersville, AL
156. Penny Hatfield, Tuscaloosa, AL
157. Chris Herring, Birmingham, AL
158. Seth Hammett, Speaker Emeritus, Alabama House of Representatives, Montgomery, AL
159. Jeremy Gordinier, Birmingham, AL
160. Jason McCay, Columbiana, AL
161. Shane Oliver, Alabaster, AL
162. Dianne Lollar, MPH, RDN, FAND
163. Kimberly Hills, Hartselle, AL
164. Susan Haskell, Mountain Brook, AL
165. Stanley Echols, Mountain Brook, AL
166. Karen Hendon
167. Kyle Bedwell, Mobile, AL
168. Don Craft, Huntsville, AL
169. Roald Hazelhoff, Birmingham, AL
170. Tracey Maples, Huntsville, AL
171. Mary Lee Ratliff, President, Wheeler National Wildlife Refuge Association, Decatur, AL
172. Bill Moss, Horton, AL
173. Deborah Exum, Seminole, AL
174. danugal@yahoo.com
175. Levi Brown, Cullman, AL
176. Jimmy Parnell, Alabama Farmers Federation, Montgomery, AL
177. Jodie Klugel, Mentone, AL
178. Liz Rozzelle, Birmingham, AL
179. Tammy Beane, Collinsville, AL
180. Cynthia Alldredge, Odenville, AL
181. Melissa Nannini, Rockford, AL

182. Niko Tsivourakis, Hoover, AL
183. Chris Beeker III, State Director, United States Department of Agriculture, Montgomery, AL
184. John McMillan, State Treasurer, State of Alabama Office of State Treasurer, Montgomery, AL
185. Carol Javes, Birmingham, AL
186. Jerry Hamilton
187. Jerry Hamilton
188. Keith G. Sizemore
189. Keith G. Sizemore
190. John Q. Adams, III, CEO, Alabama Poultry & Egg Association, Montgomery, AL
191. Pierce Boyd, Livingston, AL
192. George Clark, President, Manufacture Alabama, Montgomery, AL
193. Roy McAuley, Executive Director, Alabama Pulp & Paper Council, Montgomery, AL
194. Samuel L. Miller, AEMC Chair
195. Chris V. Isaacson, Executive Vice President, Alabama Forestry Association, Montgomery, AL
196. Thomas B. Kennedy
197. Dianne West
198. Dianne West
199. Dr. Christy Hiett, Fruithurst, AL
200. Kevin McKinstry, AEMC Member
201. Nancy Blackledge
202. Bill Hocutt
203. Michael William Mullen, Executive Director/Riverkeeper, Choctawhatchee Riverkeeper, Inc.
204. Dennis Lathem, Executive Director, Coalbed Methane Association of Alabama
205. Mike Dalen, Hampton Cove, AL
206. Randall C. Haddock, PhD, Field Director, Cahaba River Society
207. Todd Strange, Mayor, City of Montgomery
208. Kurt Niland
209. Friends of Shades Creek, Homewood, AL
210. John (Jay) Masingill, III, AEMC Member
211. Greg Canfield, Alabama Secretary of Commerce, Montgomery, AL
212. J. David Robison
213. Adam Johnston, Coordinator, Black Belt Citizens Fighting for Health and Justice
214. Randy Lee, Chapter Chairman, Alabama Chapter of the National Waste and Recycling Association
215. John L. Wathen, Hurricane Creekkeeper, Friends of Hurricane Creek
216. Mary J. Merritt, AEMC Member
217. J. David Robison
218. Charles Scribner, President, Waterkeepers Alabama, On behalf of Waterkeepers Alabama's eight member organizations in Alabama: Black Warrior Riverkeeper, Nelson Brooke, Riverkeeper; Cahaba Riverkeeper, David Butler, Riverkeeper; Choctawhatchee Riverkeeper, Michael Mullen, Riverkeeper; Coosa Riverkeeper, Steven Dudley, Riverkeeper; Friends of Hurricane Creek, John Wathen, Creekkeeper; Little River Waterkeeper, William Shugart, Waterkeeper; Mobile Baykeeper, Casi Callaway, Baykeeper; and Tennessee Riverkeeper, David Whiteside, Riverkeeper
219. Myra Crawford, PhD, MPH, Executive Director, Cahaba Riverkeeper
220. Justinn Overton, Executive Director and Steven Dudley, Staff Riverkeeper, Coosa Riverkeeper
221. Patrick V. Cagle, President, Alabama Coal Association
222. Daniel J. Bayse, President, Magnolia Place Homeowners Association, Inc., Birmingham, AL
223. Curt Chaffin, Policy Director, Alabama Rivers Alliance, Birmingham, AL
224. Nelson Brooke, Riverkeeper, John Kinney, Enforcement Coordinator, and Eva Dillard, Staff Attorney, Black Warrior Riverkeeper, Birmingham, AL

Thomas, Debi

From: Hans Paul <cooterp14@gmail.com>
Sent: Monday, June 24, 2019 12:00 PM
To: Thomas, Debi
Subject: ADEM Director job performance evaluation

Dear AEMC Personnel Committee,

Thanks for soliciting public input for the ADEM Director's job performance. I'm just a citizen outside looking in and do not know what the board's goals and expectations for Mr. LeFleur are. If part of those expectations are to uphold ADEM's stated mission to assure all citizens of the State a safe, healthful, and productive environment, the recent Tyson Foods fish kill, 3M chemical pollution, and the north Birmingham toxic pollution episode make me think a "needs improvement" evaluation is totally insufficient. He should be terminated for embarrassing the commission, endangering the health of the citizens of Alabama and largely failing to carry out ADEM's stated mission.

Sincerely,

Hans Paul
303 Le Jeune Way
Birmingham, AL 35209

205-807-7357
Cooterp14@gmail.com

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Thomas, Debi

From: Jason Smith <jasons@pntmail.com>
Sent: Monday, June 24, 2019 1:57 PM
To: Thomas, Debi
Subject: Director Lance LeFleur

Director Lance LeFleur has failed the mission at ADEM to assure for all citizens of the State a safe, healthful, and productive environment. He has shown no accountability to the citizens nor direction for ADEM to find solutions to limit environmental impact by corporations on our State's rivers.

--

Jason Smith
Arab, AL
35016

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Thomas, Debi

From: Wayne Smith <whsjd1968@yahoo.com>
Sent: Monday, June 24, 2019 2:04 PM
To: Thomas, Debi
Subject: Arrogant ADEM chief.

He acted horribly with news reporter and with total disregard to the safety of the people. It is obvious he is in the pocket of the corporations he is supposed to regulate and has no regard for the people he is supposed to help!

He should be FIRED immediately!!!

[Sent from Yahoo Mail on Android](#)

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Thomas, Debi

From: Michael Bullington <mbullington01@gmail.com>
Sent: Monday, June 24, 2019 2:36 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Hello, thank you for taking comments about Mr. LeFleur's job performance. In short, I believe that he could do a better job and that ADEM could be doing a much better job.

Instances like North Birmingham, 3M, Colonial Pipeline, coal ash, the Cahaba River, etc., all show that ADEM has failed to be proactive in holding businesses accountable for the pollution that they are causing. Even more, ADEM is not proactively discouraging businesses from intentionally harming our environment. These issues are not being adequately communicated to the public. Most people believe our government is constantly watching and keeping guard over the shared environment, but apparently that is not necessarily the case.

I believe that Mr. LeFleur should be given a short period (2-6 months) to show a noticeable improvement in how issues are reported, how quickly action is taken, how permits are required/filed, and how the public is communicated with. If significant improvements are not made, then maybe ADEM should find a new director.

- Michael Bullington

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Thomas, Debi

From: Forrest Fletcher <forrestfletcher95@gmail.com>
Sent: Monday, June 24, 2019 3:17 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

I find the performance of LeFleur to be severely lacking. The recent reporting on 3M polluting into the Tennessee river, and both 3M and the state of Alabama knowing about this since 2014, gives me very little confidence, if any at all, that LeFleur can execute the duties of his position.

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Thomas, Debi

From: David Cole <daviddubosecole@gmail.com>
Sent: Monday, June 24, 2019 3:20 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation: Oct.20,2018 - July 31,2019

To whom it may concern,

If the info received from AL.com concerning recent environmental disasters is true. The current director(Lance LeFleur) should be removed from office IMMEDIATELY. The only way Alabama's air,water and complete biosphere will survive these vicious corporate entities is through serious financial penalties.

REMOVE lance lefleur IMMEDIATELY. We need a CHAMPION for ALABAMA, NOT A CHUMP!

Sincerely,
-David Cole
Resident of Homewood, Al for twenty-two years.



Thomas, Debi

From: Robert Young <youngolf@aol.com>
Sent: Monday, June 24, 2019 3:40 PM
To: Thomas, Debi
Subject: ADEM

ADEM, just like the State of AI Insurance Commissioner, are nothing but Big Business, Big Insurance lap dogs.

ABC Board? State Dept of Public Health?

Look at the results of all of these.....pathetic on all counts.

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Thomas, Debi

From: Joe Ackerson <jackerson@ackersonandassociates.com>
Sent: Monday, June 24, 2019 4:01 PM
To: Thomas, Debi
Subject: LeFleur job review

Attention Personnel Committee,

As a pediatric neuropsychologist that has previously served as Director of Psychology for Children's of Alabama (formerly Children's Hospital of Alabama) and Director of Pediatric Neuropsychology for the University of Alabama at Birmingham, I can attest to the lifelong devastating impact of environmental pollution upon the developing brain. Director LeFleur has consistently revealed himself to be nothing but a hack for industry groups wanting to get away with no government oversight so they can pollute our precious state with impunity while making large sums of money. We must do a better job of protecting our environment, our children, and our future. LeFleur is incompetent, corrupt, or both and must go.

Sincerely yours,

Joseph D. Ackerson, Ph.D.
Pediatric & Sports Neuropsychologist
Clinical Director, Ackerson and Associates
Adjunct Clinical Professor, University of Alabama at Birmingham
Chair Alabama Statewide Sports Concussion Taskforce
O 205-823-2373
www.ackersonandassociates.com

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Thomas, Debi

From: Blane Sherron <bsherron@knowmyhire.com>
Sent: Monday, June 24, 2019 4:02 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

I have called ADEM and the EPA several times for different environmental issues without a call back or response.

One I am currently working on involves an illegal dam placed in Caffee Creek which is a tributary to the Cahaba River. This creek runs through North Bibb County. The coordinates to see the dam is on Google Earth, 33.142836, - 87.116179.

I have called ADEM to report this illegal dam. Called Wednesday June 19th and was informed that Mia Sprott represented Bibb County and was out of the office. I called back Thursday morning and spoke with Mia. She was able to locate the dam on Google Earth and looked for a dam permit. She stated there was not one and that she would get with her Supervisor on Monday to review the situation. She stated that she would be getting back in touch with me today, Monday, June 24th.

As of 3:58, I have heard from no one.

ADEM and the EPA are a complete joke. Over the years we have BEGGED for help regarding sediment washing into a creek that travels through our property and on down to Tannehill State Park. No help at all. We opened a case and received a response over a year later stating they investigated one of our cases and found no issues. Well, a year later, the development had already been completed. For months during the development, inadequate silt fencing allow lots of mud into our creek. ADEM is a complete shame.

Thanks,
Blane

Blane Sherron
KnowMyHire.com
28577 Hwy. 5
Woodstock, AL 35188
(P) 877.893.Know (5669)
(F) 877.793.Know (5669)
BSherron@KnowMyHire.com



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Thomas, Debi

From: BD McCrary <bdmccrary@gmail.com>
Sent: Monday, June 24, 2019 4:05 PM
To: Thomas, Debi
Subject: Lance LeFleur

I think this person has done a miserable job heading this organization. His only concern is how to keep businesses from being accountable. I think it's time to find someone else because this man has no clue how to do his job.

Sent from my iPhone.
214-478-2052

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Thomas, Debi

From: bhmwareagle@aol.com
Sent: Monday, June 24, 2019 4:07 PM
To: Thomas, Debi
Subject: ADEM director evaluation

DEAR ADEM,

I respectfully submit the following:

The director of adem is doing a poor job in my opinion as evidenced by the recent massive fish kill on the warrior river! This was not the first time this plant had polluted the warrior river. Adem gave them a minor fine and obviously did not do proper follow up. This situation is a disgrace!

Thank you,

Ryan shipman
Birmingham Alabama, 35206

Sent from Ryan

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Thomas, Debi

From: Wendy Solomon <solomonwendy@bellsouth.net>
Sent: Monday, June 24, 2019 4:18 PM
To: Thomas, Debi
Subject: LANCE LEFLEUR

To whom it may concern:

I could tell you a story about Lance LEFLEUR. I believe he is not the right person for this job. He was rude and disrespectful to me during a time of need. Please do Alabama a favor and let him go!

Sincerely,
Wendy Solomon
123 Sandy Ford Rd
Fairhope, Al 36532
Sent from my iPhone

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Thomas, Debi

From: alecj <alecj@bellsouth.net>
Sent: Monday, June 24, 2019 4:34 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Mr. LeFleur is an embarrassment to ADEM, and, ultimately to the State of Alabama.

He should be replaced immediately and someone put in that will respect the citizens of this state.

A. Jones
Birmingham, AL

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Thomas, Debi

From: GMAIL <jamesbrittlejr@gmail.com>
Sent: Monday, June 24, 2019 4:34 PM
To: Thomas, Debi
Subject: Lance LeFleur

Please consider my comments in the evaluation of Mr. Lance LeFleur of ADEM.

Only in the realm of government service could a level of incompetence and ultimately harm to the public not go punished as it has for Mr. LeFleur.

Drummond Coal-North Birmingham
3M - Tennessee River
Tyson Foods - Mulberry Fork

These are only the stories in the news this week. What other releases, known or unknown, have he and ADEM allowed to occur and destroy our natural environment and harm the residents and guests of our State?

How can there be any other option but to remove him AND all of ADEM's leadership, replace them and fund the entity to work more thoroughly, transparently and effectively.

James R. Brittle
Vestavia Hills, AL
205-914-8316 mobile
jamesbrittlejr@gmail.com

Sent from my iPhone



Thomas, Debi

From: khbarrow <khbarrow@gmail.com>
Sent: Monday, June 24, 2019 4:59 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

I'm horrified by the lack of transparency and communication with the community. ADEM is supposed to protect our environment and citizens. This is clearly not what is taking place.

Alabama has amazingly beautiful and diverse wildlands. Please don't let corporations spoil us.

K. Heather Barrow

Sent from my Verizon, Samsung Galaxy smartphone

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Thomas, Debi

From: michael bentley <mikerbentley@bellsouth.net>
Sent: Monday, June 24, 2019 5:06 PM
To: Thomas, Debi
Subject: Lance LeFleur

I am a fisherman. Twice a week I am on the Coosa River so I care deeply about our waterways in Alabama. I do not envy Mr. LeFleur's job. He has to balance industry/JOBs while maintaining a strong regard for the environment, NOT EASY. I suggest he, ADEM, and Governor Ivey sit down and develop protocols for future spills and communicating those with the public. He does not deserve to lose his job, she, (the governor) could help alleviate some of the stress on him. I feel like the people of Alabama trust and will listen to her.

Sent from my iPhone



Thomas, Debi

From: Joey Brackner <joebrackner@gmail.com>
Sent: Monday, June 24, 2019 6:05 PM
To: Thomas, Debi
Subject: ADEM Director Review

Please find someone who will hold industries accountable for polluting our state. This is shameful!!!!

Joey Brackner



Thomas, Debi

From: Jack Cobb <jackcobb70@att.net>
Sent: Monday, June 24, 2019 6:14 PM
To: Thomas, Debi
Cc: jabo.waggoner@alsenate.gov
Subject: LeFluer

June 24, 2019

I believe that Director LeFluer need the help of the state representatives in this area, and if that not strong enough get the Federal Government involved. If not we will wind up like Flint, Michigan. Cut the Red Tape.

Jack Cobb
205 542 5029

Sent from my iPad



Thomas, Debi

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From: Russ Weaver <russrn@me.com>
Sent: Monday, June 24, 2019 6:22 PM
To: Thomas, Debi
Subject: Poor management top down

It seems to me that every person in a leadership role at your agency has vacated the responsibility of environmental stewardship in favor of covering up every environmental incident to favor business interests. Corporations may have lobbyists but they don't pay the salaries of the people at ADEM. Individual tax payers pay the taxes that fund the agency as our corporate tax rates in this state are essentially non existent. The poisoning of our drinking water and the killing of our wildlife is only topped in insanity by ADEMs complete refusal to answer media questions about these incidents when asked. Why is it that no public awareness is being raised about hazardous water without press reporting of inaction by the agency first. All of the management from the top down need to be fired with Lefluer the first one out the door. Get someone in there who cares about Alabama people and Alabama environment and wildlife instead of a corporate stooge who only cares about big business.

Russ Weaver
Sent from my iPhone

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Thomas, Debi

From: Delisa <brownsabroad@yahoo.com>
Sent: Monday, June 24, 2019 6:37 PM
To: Thomas, Debi
Subject: ADEM -Director LeFleur

Dear ADEM,

Mr LeFleur appears to have carried out his duties as the AL ADEM has expected him to and as the ADEM has conducted business in the past. Large industry violators have been allowed to continue polluting and dumping with little to no penalty to them. If they were fined it was such an insignificant dollar amount to their profits that it didn't matter to them. Companies like 3M, Tyson and others make billions and being fined a small amount every few years doesn't matter to them.

The Bham lawsuit, trial and deep involvement of Drummond and Balch and Bingham shows the deep pockets and how far people will go to cover up and continue business as usual. If Mr LeFleur is only going to be who the ADEM offers up as "responsible" for the Tyson spill to appease the public and lawmakers who are also trying to appear as if they are doing something, what is going to change?

Will the ADEM significantly fine big and small violators regardless of who they are? Will ADEM be transparent with the public and media? Will ADEM represent the public of AL rather than the companies? Will ADEM change from "business as usual"? If not, LeFleurs replacement will just continue doing things as they've always been done.

Respectfully,
Delisa L Brown
Sent from my iPhone

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Thomas, Debi

From: Michael Eddins <meddins@hotmail.com>
Sent: Monday, June 24, 2019 6:38 PM
To: Thomas, Debi
Subject: Lefleur's ADEM performance

Sent from [Mail](#) for Windows 10

Hello, I am a 42 year old life long resident of the State. In short, Lefleur is doing a miserable job, but I think that is what is expected of him because the entity of ADEM is a toothless organization by design. If ADEM was funded properly, given enforcement capabilities, was properly staffed, and it was actually a independent non politicized organization; the state of Alabama wouldn't have to hire professional scapegoats such as Lefleur. In addition, a functioning ADEM would be able to protect and preserve for future generations, the natural beauty and resources of this state.

Thanks for your time,
Mike Eddins-Tuscaloosa

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Thomas, Debi

From: Brian Boehm <bboehm@realtysouth.com>
Sent: Monday, June 24, 2019 9:21 PM
To: Thomas, Debi
Subject: Lance LeFleur

Runs this agency like he Simon the take. He is a false leader. He does nothing to protect the citizens and he should be removed from his role.

Brian Boehm
Boehm Brokers
(c) 205-238-8154
(f) 205-877-9280
bboehm@realtysouth.com

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Thomas, Debi

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From: Jake Mccombs <a84gmc@yahoo.com>
Sent: Monday, June 24, 2019 9:26 PM
To: Thomas, Debi
Subject: ADEM director job performance evaluation

It appears to me that very little has been done in the mulberry fork incident. As a fisherman who fishes the mulberry/black warrior on a regular basis I do not appreciate the lack of effort perceived from Mr. lefleur's demeanor. Barely any comments to the public about safety, and when comments are made regarding the situation it's impossible to believe or trust them. To be blunt, it looks like his job performance is piss poor to say the least.

Sent from my iPhone



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Thomas, Debi

From: Justin <justinsewell@gmail.com>
Sent: Monday, June 24, 2019 9:45 PM
To: Thomas, Debi
Subject: 3M

Resign.

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COMMISSION

Thomas, Debi

From: Will Formby <formby5t2@gmail.com>
Sent: Monday, June 24, 2019 10:00 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Greetings,

I recently read an article stating that the AEMC was looking for public commentary on the job performance of ADEM director Lance Lefluer.

While I'm sure Mr. Lefluer is a fine person, his repeated failures to ensure that large corporations such as Tyson and 3M reap true consequences for their neglect of our environment make him unfit to lead ADEM.

ADEM needs a leader not afraid to tackle these corporations and the politicians they've bought and paid for. When someone commits a crime against nature at a personal level and the state finds out, that person is punished by law. But when corporate entities commit far worse crimes, those corporations are given fines equal to pocket change and they continue to operate as before.

The time to safeguard our states resources was 20 years ago. Let's not wait around another 20 to find out what we reap ourselves.

Thank you for your time,

Will Formby
Dawson, AL

Sent from my iPhone



Thomas, Debi

From: Serena Blount <haygood0@yahoo.com>
Sent: Monday, June 24, 2019 10:11 PM
To: Thomas, Debi
Subject: ADEM Leadership review

In the wake of the KMG-Bernuth fire in Tuscaloosa and the Tyson Foods devastation of the Mulberry Fork tributary of the Black Warrior River, in addition to the Bingham and Balch trial regarding environmental violations in Tarrant, please accept this as my vote of NO CONFIDENCE in ANY and ALL ADEM leadership.

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Thomas, Debi

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From: Brenda Bolton <brendabolton310@gmail.com>
Sent: Monday, June 24, 2019 10:45 PM
To: Thomas, Debi
Subject: Lance LeFluer

ADEM under Lance LeFluer does NOT serve the taxpayers of Alabama!

For example, in Mobile where we fight coal dust daily from the open air coal piles at the foot of our downtown, we cannot get an air quality monitor in our downtown area. No one is monitoring air quality here for coal dust particulates!

Local nonprofits such as Baykeeper are the only "monitors" on water quality in a city nearly surrounded by that water!

The PSC regularly approves, with ADEM's blessing, polluting industries like the coal ash lakes brought to us by Alabama Power.

In 2015-16, citizens fought for over a year to stop an oil pipeline from running through our ONLY source of fresh drinking water, and ADEM provided NO protection for residents or for our drinking water supply.

They hide behind weak federal regulations, but Alabama could -as other states do - strengthen those federal regulations. And they do NOT monitor the existing federal regulations until there is a disaster.

My assessment of Lance LeFluer and his ADEM is a big, fat "F".

Brenda Bolton, Voter and Taxpayer
Mobile, AL
Brenda Bolton

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Thomas, Debi

From: Jacob Probus <jpde99@gmail.com>
Sent: Tuesday, June 25, 2019 1:49 AM
To: Thomas, Debi
Subject: LeFluer

I'll keep it short. Mr. LeFluer has failed the beautiful, bountiful state I love - and in doing so have failed the people he's supposed to work for. I can't fathom a scenario where he would be able to defend his innocence.

Sent from my iPhone

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Thomas, Debi

From: Monroe, Dean <dean.monroe@hq.doe.gov>
Sent: Tuesday, June 25, 2019 5:46 AM
To: Thomas, Debi
Subject: ADEM director job performance evaluation

First, I think the director did well to deal with the budget cuts prior to the current budget submittal, as it was clear ADEM would have to raise fees or something in order to make up budget shortfalls. I realize the situation referenced occurred before the review period but it seems to be continuing.

Also in terms of PFAS, local water systems, such as Franklin County, have done a great job in keeping levels in drinking water to ppb which may be low enough but it seems to me that approach can only work for so long so the state may well have to actively work in order to save drinking water sources.

Finally, as to Superfund sites like North Birmingham, as opposed to using its role in listing sites on the Superfund list to delist sites that actually need work, I would like to see ADEM use its rights under 40 CFR 300 not only to weigh in on Superfund cleanups but also to challenge remedies, if necessary.

One idea might be to decentralize the agency with satellite offices in order to deal with different situations in different areas or emergency situations, such as fish kills. ADEM should also act under the Coastal Zone Management Act (CZMA) in order to protect Gulf Coast beaches from erosion.

CD Monroe
1350 Florida Ave NW
Washington DC 20009
2025180591

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Thomas, Debi

From: John Earl <earl_john@icloud.com>
Sent: Tuesday, June 25, 2019 7:35 AM
To: Thomas, Debi
Subject: LeFleur

LeFleur reminds me of the cartoon skunk Pepé Le Pew, who isn't aware that he stinks.

John Earl
earl_john@me.com



Thomas, Debi

From: Mark Cook <cookmark@bellsouth.net>
Sent: Tuesday, June 25, 2019 7:35 AM
To: Thomas, Debi
Subject: Lance LeFluer's Performance

LeFluer has of late proven that his role is to protect polluters from the environment and the citizens of Alabama's safety.

I guess the ADEM cannot work for a clean environment when it is as "dirty" of an agency as by all accounts it appears.

Clean up the house Alabama.....I live, work and raise my family here.....I deserve better.

Sent from my iPad



Thomas, Debi

From: Sean Taylor <STaylor@alfabinc.com>
Sent: Tuesday, June 25, 2019 7:36 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Job rating D-....why so low

35th Ave Superfund site, Birmingham, AL

Fish kill in Mulberry Fork

Water pollution caused by 3M in Decatur, AL(failure to keep citizens aware of extent of the toxicity....A

Huntsville TV reporter had to discover the 3M disclosure on her own and do the work for them)

His relationship/handling of Drummond Co & Blach & Bingham

Putting corporations ahead of the safety of Alabama's Citizens.

And that's just a few things to mention.

Sean Taylor

103 Maxwell Street

Enterprise, AL 36330

Cell: 334-791-5246

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Thomas, Debi

From: Michele Harmon <micheleharmon41@gmail.com>
Sent: Tuesday, June 25, 2019 8:05 AM
To: Thomas, Debi
Subject: Adem comment

To whom it may concern :

Let's see they don't do their actual job including the director. They are pro corporations anti environment ... just look at the unlined Coal Ash pond at the Barry Steam plant that they've allowed to leak into the Mobile River for decades and barely slapped Alabama Power on the wrist. The woefully inadequate handling of the BP toxic waste and biohazardous dead wildlife they were allowed to bury in local landfills . The blatant disregard for human health and the blatant environmental racism they impose on minority and poor communities.. in closing they suck at their job and all need to be fired and replaced by people who will actually enforce EPA regulations

Michele Harmon
Alabama Voter &
Founder of Alabama Coast United
Get [Outlook for Android](#)

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Thomas, Debi

From: Richard Dollison <rdollison@gmail.com>
Sent: Tuesday, June 25, 2019 8:17 AM
To: Thomas, Debi
Subject: Lance LeFleur Evaluation

ADEM has often sided with industrialists over Alabama's precious environment, but under LeFleur's leadership it's become exponentially worse. His unwillingness to promote clean energy by taking a tougher position on coal fired power plants threatens my home of Mobile. The Delta is recognized globally as one of the most ecologically diverse river systems in the world. It's riches are the subject of the award winning documentary, American Amazon. Yet the coal ash piles from the Barry Steam Plant are poised at the river's edge. There is a disaster waiting to happen. Breach of these ash containment ponds would spill into the Mobile river and poison Mobile Bay.

LeFleur nor ADEM offered support to activist in Mobile as they fought two threats. One, he allowed oil pipelines to be constructed within 500 yards of Big Creek Lake. BCL is the sole source of drinking water for over 600,000 people in South Alabama. Two, he resisted any new regulations requiring construction new oil storage tanks along Mobile river to be contained in storage dikes and standoffs away from the river.

Alabama is blessed with a diverse, beautiful, environment that has intrinsic value. It also has economic value in the area of ecotourism equal to that of industry. Unfortunately, LeFleur and ADEM seem to be nothing but cronies in a good ol boy network more concerned with enriching industrial interest of Alabama Power than protecting the people of the state of Alabama.

I wish this open call for input means that ADEM is willing to take it's mission seriously, but alas past history does not give me confidence.

Sincerely,
 Richard Dollison
 Mobile, AL



Thomas, Debi

From: Cynthia Nelms <cynelms@bellsouth.net>
Sent: Tuesday, June 25, 2019 8:56 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Assuming that ADEMs performance reflects the work of the Director, the evaluation should be based on how levels of pollution have improved or declined in the state. Based on recent events including the fish kills, lead exposure, avoiding the opportunity to address the pollution in North Birmingham and the decisions to allow industry to escape accountability, this director should be ranked as low as possible.

C. Nelms
Mobile, AL
Sent from [Mail](#) for Windows 10



Thomas, Debi

From: Ben Payment <ben.payment@gmail.com>
Sent: Tuesday, June 25, 2019 9:35 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

I have been generally disappointed by ADEM's response to various environmental issues in North Alabama for several years. This directly reflects its leadership. I personally reported what the local branch reps said was one of the worst polystyrene releases they've ever seen surrounding the Drury inn in Huntsville and was very dissatisfied with their response and resolution. Furthermore ongoing unchecked pollution into the TN river is absolutely appalling. We need to do more to protect our environment and a big part of enforcement lies directly on the shoulders of ADEM and its director.

Ben



Thomas, Debi

From: Eddie Maxwell <eddiemax@bellsouth.net>
Sent: Tuesday, June 25, 2019 9:35 AM
To: Thomas, Debi
Subject: Director Lance LeFleur's performance

To whom it may concern:

The performance of Director Lance LeFleur is reprehensible. He should be fired for his failure to protect our rivers, streams and environment.

It stinks as bad as the dead fish in the River.

Eddie Maxwell
820 Hillview Drive
Bessemer, Al 35023

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Thomas, Debi

From: Roger <gean@wowway.com>
Sent: Tuesday, June 25, 2019 10:09 AM
To: Thomas, Debi
Subject: ADEM Director Performance Review

Mr. Lafleur needs to go! His response to the cleanup AND his failure to address the Tyson spill is unacceptable. He does not have the environment as his main priority. I'm thinking he must be on someone else's payroll!

Sincerely, Roger Gean

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Thomas, Debi

From: Martha Salomaa <sipseyheritagecommission@gmail.com>
Sent: Tuesday, June 25, 2019 10:09 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation.

To Whom It May Concern:

Lance LaFleur, has demonstrated a total disregard for the people of Alabama on numerous occasions. Of course, his treatment of Cynthia Gould highlights his systematic dismissal of any issue regular citizens may have. It is apparent that LaFleur has taken the side of Tyson, 3M, and other corporate entities against the public as a matter of course. This behavior is so ingrained, that he doesn't even take the trouble to hide it in front of television cameras.

ADEM is a failed agency.

How long do you think the citizens of Alabama are going to sit back and keep allowing these huge companies to poison us? We no longer live in the days where things can be kept hidden. The average person today has the means to uncover corruption and then broadcast that knowledge via social media.

Our state has a reputation for not caring about environmental issues. This is clearly not the case. Our citizens care, but most of our state government refuses to hear our voices.

Martha Salomaa
Sipsey Heritage Commission

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Thomas, Debi

From: daniel holifield <danielwholifield@gmail.com>
Sent: Tuesday, June 25, 2019 10:12 AM
To: Thomas, Debi
Subject: Job performance

It's laughable. He's clearly not working for the general public's interest. At any given moment we can't even swim in half the major rivers in the state because of some form of pollution.

Sent from my iPhone



Thomas, Debi

From: Mike Wiman <mwiman@att.net>
Sent: Tuesday, June 25, 2019 10:18 AM
To: Thomas, Debi
Subject: Job Rating

Mr. LeFleur is one of yet another ineffective government department heads. ADEM has allowed large corporations dump toxic waste into our waters for years, knowing that it would affect thousands of people across our state. We are being told not to eat fish caught in Wheeler Lake because of the tons of toxic chemicals dumped in the water over so many years. Big business is more important to ADEM than the people and the state's natural resources. Until our Governor and Legislators decide to enforce existing laws and hold businesses accountable for violating those laws it does not matter who Heads ADEM. Mr. LeFleur has done nothing to make sure ADEM does what it supposed to do and he needs to be replaced by someone that will stand up to big business. One of the reason companies like 3M have stayed in Alabama is because they know that ADEM will not enforce laws regarding chemical discharged into our waterways. This lowers the cost of doing business because companies do not have to spend money treating the discharges before they go into our waters!

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Thomas, Debi

From: H F <farmerhampe@gmail.com>
Sent: Monday, June 24, 2019 3:12 PM
To: Thomas, Debi
Subject: Lance LeFleur and the ADEM

Good afternoon,

As a Birmingham citizen, wanted to voice my concerns regarding Mr. LeFleur and the ADEM as a whole.

It has become very apparent that your organization exists solely to benefit businesses. It has been this way for some time now. Given the recent Tyson spill, Mr. Lefluer acted in a cowardly manner. He couldn't even answer simple questions regarding a serious health event to the state. Meanwhile, the ADEM lies about critical problems and publishes statements that mirror communist Russia propaganda tactics.

Mr. LeFleur is clearly not fit for his current position, and the ADEM needs to protect the wonderful people who make up this state. At the end of the day, people are what matter-- not greedy corporations that the ADEM is in bed with.

In a way, the Tyson spill is a blessing. It sheds light on how backwards Alabama is when it comes to protecting its resources. Hopefully the people of Alabama will respond accordingly so that our future is better than the present. I have much more faith in my generation, compared to the current generation that is in charge. It is unfortunate, but we will be the ones who have to solve the problems that you have created.

--

Hampe Farmer

farmerhampe@gmail.com <mailto:farmerhampe@gmail.com>



Thomas, Debi

From: Joe Terry <jterry619@msn.com>
Sent: Monday, June 24, 2019 3:17 PM
To: Thomas, Debi
Subject: Incredible

Why in the world would y'all need public comments in this matter. How about a little due diligence on your part which should make it easy to dump this travesty of an administrator. You need the public to be the scapegoat???

Of course he is incapable of serving the public...look at his record!

Do your job!

Sent from my iPhone

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Thomas, Debi

From: Lew HASSELL <trbleman2117@cableone.net>
Sent: Monday, June 24, 2019 4:11 PM
To: Thomas, Debi
Subject: Job performance

Sent from my iPhone This man has sold out the people he should be helping his record speaks for it self should be replaced soon

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Thomas, Debi

From: Michael Letcher <letcher.mike@gmail.com>
Sent: Monday, June 24, 2019 4:33 PM
To: Thomas, Debi
Subject: Mr. LeFleur's job performance

I understand that the department is requesting public input regarding an evaluation of Mr. LeFleur's performance. I appreciate the fact that such a solicitation is part of the process.

Based on my reading of media reports over time I have the impression that ADEM is, for the most part, a regulatory commission in name only, and that it has a consistent record of acting in the interest of the business entities that is supposed to regulate to the detriment of the public who it is charged to protect.

In that light, I would have to give Mr. LeFleur very low marks. However, I'm afraid, given the political alignments in our state, I have little confidence that any replacement would be an improvement.

Thank you for the opportunity to express my opinion.

Sincerely,
 Mike Letcher
 Tuscaloosa
 Michael Letcher

<https://docs.google.com/uc?export=download&id=1pnYdnqYzwFNQe2f9mmMGo7qbuB-27bCM&revid=0B_4IXiU-ZFc5a3p3NVdUWDhCVnIUS3dGaHNDaFNONEZDOUFvPQ>

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 205.887.6331



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Thomas, Debi

From: Rees Denham <reesdenham@gmail.com>
Sent: Monday, June 24, 2019 4:40 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

To Whom It May Concern:

I am writing in regards to The Alabama Environmental Management Commission's solicitation of input for the job performance of ADEM Director Lance LeFleur. Unfortunately, I am unable to evaluate Mr. LeFleur's job performance because I have not seen him perform his duties.

One would think that the head of such a vital organization for our state would be all over the news, airwaves, social media, etc. calling for answers from 3M in Decatur or Tyson Foods near Black Bottom and enforcing Alabama's environmental laws after such environmental disasters at these sites. But, what do we get...silence!

The people of Alabama deserve answers, the people of Alabama deserve better!

Respectfully,

Rees Denham

<<https://docs.google.com/uc?export=download&id=1goiWmasJaNHx13IpN85BTJi2BZCP2-VD&revid=0B99Svo99whwUWnlrRFB4VIdaVFV5bmJSWUdVTVgzRTZZdy9jPQ>>



Thomas, Debi

From: jim comer <jimcomer00@gmail.com>
Sent: Monday, June 24, 2019 5:46 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation.

I don't know if this is a joke or not, you actually need someone to tell you that this man is obviously corrupt, and should probably be charged with crimes due to his actions? Did you people appoint this man, if not, who did?

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Thomas, Debi

From: Dustin Hatton <dustin.hatton@gmail.com>
Sent: Monday, June 24, 2019 7:28 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

To whom it may concern,

I am writing in regards to the job performance of Director Lance LeFleur. Mr. LeFleur is in charge of enforcing federal and state environmental laws in Alabama. These laws were made to protect citizens. I believe Mr. LeFleur failed in his duty as director. Most recently, he failed to inform the public that 3M had dumped chemicals in the Tennessee River for years. Please relieve Mr. LeFleur of his duties and hire someone who will fulfill the law and protect the citizens of Alabama.

Thank you,
Dustin Hatton
900 Hargrove Rd #36
Tuscaloosa, AL 35401

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Thomas, Debi

From: Brandon Wiman <bdwiman@gmail.com>
Sent: Monday, June 24, 2019 9:13 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

To whom it may concern,

I am extremely disappointed in the performance of Mr. LeFleur, and furthermore the entire ADEM. This is the third spill that has occurred at this same site - and the ADEM it seems wanted to pull the wool over our eyes. I personally, have lost all trust that the ADEM has the best interest of the state of Alabama's natural resources in mind at all.

I am a kayaker, and I paddle the river often. This is a resource that I, and thousands of other Alabamians, use for recreation. Countless more rely on this river as part of their watershed which supplies their drinking water. This has affected all of us, and not on this occasion alone.

It will take our entire lifetime for the river's wildlife and ecosystems to recover from these disasters. Not only did nearly 200,000 fish die, but countless other aquatic species were affected as well.

LeFleur should be held accountable for his role in allowing this to happen at the same facility on three separate occasions. The agency as a whole should take a hard look at their practices to ensure that something like this never happens again in our state. It is astounding that public officials are making nearly \$200,000 a year to side with the companies they are supposed to be policing. It makes a person wonder if those officials may be getting paid more than that from a source other than the state.

Sincerely,

Brandon Wiman



Thomas, Debi

From: Judson Milligan <judsonmilligan@gmail.com>
Sent: Tuesday, June 25, 2019 6:15 AM
To: Thomas, Debi
Subject: Job performance

I would greatly appreciate it if you stopping helping corporations get away will mass pollution and tried doing your job based on safety for our state.

Thanks

Sent from my iPhone

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Thomas, Debi

From: Brad Sparks <brad@mcguireconstructioninc.com>
Sent: Tuesday, June 25, 2019 7:25 AM
To: Thomas, Debi
Subject: Mr. LeFleur must go

Dear Commissioners,

I feel that Mr. LeFleurs actions or rather inactions at ADEM are inexcusable. In light of the revelations about 3M, the gross mishandling and inadequate response to the Mulberry Fork disaster Mr. LeFleur must go and receive penalties and fines for dereliction of duty.

Mr. LeFleur has attacked our way of life here in Alabama by pollution our rivers and poisoning our air. He has acted as henchman for the Big Industry in this state rather than the health and well being of our citizens and air and water we breath and drink.

Please terminate Mr. LeFleur immediately.

Thank you for your time.
Sincerely,
Bradley Sparks

Brad Sparks



Thomas, Debi

From: Jim Cline <jcline180@gmail.com>
Sent: Tuesday, June 25, 2019 7:33 AM
To: Thomas, Debi
Subject: Director

Hello, I am contacting you to submit my input on the job performance of Director Leflour. I think it is a disgrace as an Alabamian to have someone so obviously out of touch with environmental issues looking out for us and preventing things like polluting our waters. I am completely convinced this man should be investigated and removed for the way he has conducted business pertaining to the recent issues with the fish kills. It is obvious someone is "In his pocket" ! I was very alarmed when a local newscast attempted to get answers last week on this issue and he so openly refused to answer and rudely ended the conversation. We Alabamians deserve better and demand better.



Thomas, Debi

From: Alex McArdle <mcardle22@gmail.com>
Sent: Tuesday, June 25, 2019 10:39 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

The lack of transparency with issues like the 3M chemical release is absurd. The ADEM is responsible for the protection of the public and wildlife, yet I find more information about disastrous situations from concerned journalists or citizens. The Tyson and 3M situation is unacceptable. The Tyson plant should be punished heavily. In a just world, a business that impacts so much life and quality of life would not be allowed to operate on our rivers. Also in a just world, the ADEM would be a competent organization with competent leadership. Instead we have history of corruption and a lame duck ADEM sitting back as the degradation of "Alabama the Beautiful" continues.

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Thomas, Debi

From: Amanda Holditch <atholditch@icloud.com>
Sent: Tuesday, June 25, 2019 11:11 AM
To: Thomas, Debi
Subject: LeFleur

Another self-invested crook ripping off Alabama for his own self-interest. Crystal clear that he doesn't give a damn about the welfare of this beautiful state. Just another disappointing, despicable Deplorable.

AMY HOLDITCH

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Thomas, Debi

From: Jamie <jamiesledge47@gmail.com>
Sent: Tuesday, June 25, 2019 11:50 AM
To: Thomas, Debi
Subject: ADEM director job performance

The director and the agency are stains on Alabama. Commercial polluters control ADEM. River keepers have learned that reporting environmental violations is a waste of time. The only hope for enforcements comes from litigation.

Sent from my iPhone



Thomas, Debi

From: Phillip Kilpatrick <phillipkilpatrick@icloud.com>
Sent: Tuesday, June 25, 2019 1:05 PM
To: Thomas, Debi
Subject: Performance of ADEM director

Poor, Bad image of Alabama, fire him!!

Sent from my iPhone

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Thomas, Debi

From: Gary Brown <bhmvol@me.com>
Sent: Tuesday, June 25, 2019 1:36 PM
To: Thomas, Debi
Subject: Lafleur

ADEM's director is arrogant, lazy and ineffective. He serves political and corporate interests and to Hell with the citizens of this state. The man should be removed and in fact the entire department needs to be dismantled and rebuilt with people who don't have their pockets open and who want to actually positively impact the well being of this state.

Gary Brown
Homewood, AL

Sent from my iPhone



Thomas, Debi

From: James Carswell <JimCarswell@outlook.com>
Sent: Tuesday, June 25, 2019 1:43 PM
To: Thomas, Debi
Subject: Evaluation Of ADEM Director LeFleur's Job Performance

As a resident who lives on the Lake Wheeler shore downstream of the 3M plant in Decatur, the Director's job performance is incompetent, dangerous, and corrupt. Instead of publicly identifying pollution problem areas in the state and working to rectify them, he seems more interested in covering them up. He should be immediately fired and not given the consideration of being allowed to resign.

Jim Carswell

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Thomas, Debi

From: Austin Baecher <abaecher476@gmail.com>
Sent: Tuesday, June 25, 2019 2:58 PM
To: Thomas, Debi
Subject: ADEM Director Evaluation

If the qualifications for this job is to take corrupt bribes from power companies/Tyson/3M in exchange for destroying and polluting waterways of Alabama, then yes he is "doing a good job." The fact that these billion dollar companies can tarnish and irreversibly damage our our lands just so they can be lazy and not properly control their waste disposal is dumbfounding. How can they not afford precautions to prevent these tragedies? The answer is they can, but our spineless politicians are cheap whores for industry. The ADEM director should be removed with any else complacent win these abuses.

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Thomas, Debi

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From: dlgowen@aol.com
Sent: Tuesday, June 25, 2019 4:08 PM
To: Thomas, Debi
Subject: "ADEM Director Job Performance Evaluation."

I have lived in Alabama since 1964 and on the Tennessee River here in Decatur for over (45) years. I remember when there was NO ADEM and I have seen a number of Directors come and go over the years. Having been in business for over (55) years and holding positions with major corporations I believe I have a little experience in evaluating the leadership qualities of individuals.

Being the Director of ADEM should not be a thankless job if one understands that his job is to protect the citizens of our state - and that includes being fair and reasonable to industry and business as well. My appraisal of the process - and the Department AND Director Lance LeFleur in particular is - OUR STATE IS IN A MESS and ADEM is USELESS in the protection of our citizens. I watched in the Valley when the mills were allowed to pollute the streams, and in Alex City when Russell contaminated Lake Martin - all the while ADEM was ineffective in regulating to protect our God given resources.

In particular, I have watched the fiasco here in Decatur with 3M when Mr. LeFleur and ADEM let the company walk all over North Alabama with their toxic pollution chemicals - and not even a Consent Order from EPA was sufficient to protect our citizens and water supplies. I view Mr. LeFleur as being very weak in regulatory leadership fiduciary capacity and in the pocket of major corporations like Drummond Coal and 3M, etc. He has allowed these industries and businesses get away with major infractions and violations of environmental law with a slap on the risk. Major lost of revenue is all these entities understand - fines - and all the "Don't Do It" and Consent Orders are useless. Nothing would have been achieved here in North Alabama if it had not been for citizen involvement and the media investigating, documenting, and litigating on our own behalf.

When the citizens of our state lose TRUST in our officials of government, we are on the way down the tube - and Environmental Management Director Lance LeFleur has lost that trust.

Sincerely,

*Don Gowen
1310 Cantwell Ave. SW
Decatur, Alabama 35601
256-350-7067
c-256-309-1279
dlgowen@aol.com*

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JUN 25 2019

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COMMISSION

Thomas, Debi

From: Don Blakeley <donblakeley@gmail.com>
Sent: Tuesday, June 25, 2019 6:09 PM
To: Thomas, Debi
Subject: ADEM handling of Mulberry Fork

Sir/madam,

This whole disaster has been a malignant cancer on the people of Alabama. ADEM has lied about water quality and pollution. The 3M disaster should have jail time for ADEM "leaders."

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JUN 25 2019

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Thomas, Debi

From: William Sabo <sabo.william@gmail.com>
Sent: Wednesday, June 26, 2019 9:50 AM
To: Thomas, Debi
Cc: Michelle Sabo
Subject: ADEM Director Job Performance Evaluation - Sabo Feedback

To: The Personnel Committee,

Thank you for providing the opportunity to provide feedback on the ADEM's leadership performance.

Unfortunately, I have been very disappointed with the ADEM's performance and it centers around their approval of ADEM permit # ALR10BCRJ.

When I saw the permit posted on my property, I reviewed the document and became concerned when I noticed work on an adjacent property was using my property for drainage. (Referenced as Outfall #1 in the permit). I expressed this concern to ADEM and was told that ADEM doesn't review the actual property ownership of the land being impacted by the permitted work. Furthermore, based on the current status of the land that was modified, it is clear there is no ADEM monitoring or follow-up to ensure the conditions of the permit are put in place. Here is an excerpt of the letter I wrote with the full content attached.

"The second point of concern is Exhibit #1 of the Terracon Project document #E1177293. The diagram shows "OUTFALL #1" dumping on my private property. This will cause flooding, erosion and wet areas on my property."

As anticipated, this permit did approve work that is causing significant erosion on my property and is washing siltation onto the public roadway. Now every time when I leave my driveway my vehicles get caked with siltation.

To be clear, the impacted area of my property does have an easement on it to allow access to the adjacent property, however, there is no clause in the easement to allow the property to be used for drainage. This drainage prevents me from using the property in a way I am accustomed.

The lack of ADEM's due diligence prior to permit approval, monitoring of the activity and review of the final implementation of the permit has put me in a situation where I have had to obtain costly legal representation in an attempt to get the owners of the adjacent property to correct the negative impact the work is having on my property.

Any action that you can take to ensure the citizens of Alabama and their property are protected from this lack of due diligence and oversight of projects is greatly appreciated. If you have any questions concerning this letter, please feel free to contact me my email or phone 850-242-8250.

Respectfully,

William Sabo



Kitchens, Jeff

From: Kitchens, Jeff
Sent: Thursday, November 09, 2017 2:38 PM
To: sabo.william@gmail.com
Cc: Kitchens, Jeff
Subject: FW: ADEM PERMIT # ALR10BCRJ
Attachments: Wolf Pen Ridge Road Survey.pdf

Mr. Sabo:

Please call me and I would be happy to discuss this issue with you. If you wish, you can provide me with your phone number and I can contact you.

Thanks

Jeffery W. Kitchens, Chief
Stormwater Management Branch
Water Division
Alabama Department of Environmental Management
Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7974
adem.alabama.gov



From: H2omail
Sent: Thursday, November 09, 2017 6:36 AM
To: Kitchens, Jeff <JWK@adem.alabama.gov>; Passineau, Jennifer <jklepac@adem.alabama.gov>
Cc: Dean, Glenda <GLD@adem.alabama.gov>
Subject: FW: ADEM PERMIT # ALR10BCRJ

From: sabo.william@gmail.com [<mailto:sabo.william@gmail.com>]
Sent: Wednesday, November 08, 2017 1:28 PM
To: H2omail <H2omail@adem.alabama.gov>; PermitsMail <PermitsMail@adem.alabama.gov>
Subject: ADEM PERMIT # ALR10BCRJ

Attn: Glenda L. Dean, Chief Water Division

This is in reference to ADEM PERMIT NUMBER: ALR10BCRJ and the Best Management Practices Plan submitted for Terracon Project No. E1177293.

Upon review of the Terracon Project E1177293 and ensuing ADEM permit ALR10BCRJ I have seen several references to construction on my private property which I have not approved.

Here is the first point of concern from ADEM PERMIT NUMBER: ALR10BCRJ

Page #38

Mr. Jonathon Ferrell of Brascho Grading, LLC authorized a Construction Best Management Practices Plan (CBMPP), required by the EPA National Pollutant Discharge Elimination System (NPDES) Permit, for the Acme Brick Roadway extension project. The site consists of approximately 4.27 acres of land being disturbed to construct an extension of Wolf Pen Ridge Road southwards to ultimately connect with Camp Winnataska Road. The site is located south of Interstate 20 and generally east of Leeds and west of Pell City in St. Clair County, Alabama.

Page #41

Application of chert and finalization Upon completion of construction of the roadbed, 6" – 9" chert gravel will be laid to top the Wolf Pen Ridge Road extension. The slopes will be vegetated and all previously bare area will be stabilized.

The point in contention is Wolf Pen Ridge Road ends on my private property which I have confirmed with the St. Clair County DOT Engineer Dan Dahlke. The Terracon document clearly states the project intends to construct a roadbed and apply material to my property. Please be advised I have not provided approval to perform any type of construction on my private property.

The second point of concern is Exhibit #1 of the Terracon Project document #E1177293. The diagram shows "OUTFALL #1" dumping on my private property. This will cause flooding, erosion and wet areas on my property.

I am requesting that you withdrawal ADEM permit ALR10BCRJ until you have had a chance to consider this information and the impact it has on my private property.

I am including a copy of my land survey which illustrates that the proposed extension of Wolf Pen Ridge Road infringes on my private property.

Please feel free to contact me with any questions.

Respectfully,

William Sabo

1310 Wolf Pen Ridge Road

Pell City, AL 35128

Sabo.william@gmail.com

From: wjfree <wjfree@uab.edu>
Sent: Wednesday, June 26, 2019 10:04 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC,

"The mission at ADEM is to assure for all citizens of the State a safe, healthful, and productive environment." I just feel that it is necessary to reiterate this to you, since it seems that Director Lance LeFleur has clearly forgotten this mission.

According to the **Alabama Legal Code 36-25-9(c)**, "No member of any county or municipal agency, board, or commission shall vote or participate in any matter in which the member or family member of the member has any financial gain or interest." According to [AL.com](#)'s reporting on the north Birmingham Superfund Site **riddled with dangerous levels of lead, arsenic, and other carcinogens**, "In his capacity as ADEM Director, LeFleur sent a letter to the Environmental Protection Agency opposing cleanup at the 35th Avenue Superfund Site in north Birmingham. That letter was drafted at least, in part, by Balch & Bingham attorney Joel Gilbert, who represented Drummond Co. ... LeFleur ... testified that it was not uncommon for lobbyists/consultants to draft letters for him to sign."

I imagine you can see where this is going. Joel Gilbert was allowed to produce such a letter and determine Alabama public policy when he stood to have direct financial gain from ADEM's actions (or inactions, as the case would be). This clearly constitutes ethics violations, but I would argue that Director LeFleur signing a letter authored by Gilbert could fall into one of three situations. The following are ranked in order from least to most likely:

1. **Director LeFleur doesn't have the time or resources to write his own letters.** In this case, the state and public authorities should allocate the resources necessary for him to do his job on his own. Even in this scenario, I feel that one of his public staffers could have written a better letter than a lawyer from the coal company in question. I doubt that time is the principal issue, since Director LeFleur incidentally did find time to defend himself against the calls for his resignation from non-profit river and environmental advocacy groups in the form of a seven-page letter. Note that Director LeFleur spent seven times the amount of paper defending his inaction than he did to engage in his inaction in the first place. I also doubt that Director LeFleur is pressed for personal resources since his public official salary is currently at the legal maximum for his position, if I'm not mistaken. Scarcity of resources seems the least likely conclusion to support Director LeFleur's behavior.
2. **Director LeFleur is incapable of writing his own letters.** Another report from [AL.com](#) reads "He [Director LeFleur] said he didn't know the letter was drafted by Balch & Bingham lawyer Joel Gilbert." Perhaps Director LeFleur signs things without reading them, which could refer to a capability issue. If Director LeFleur is mentally or physically incapable of authoring his own letters regarding major ADEM policy positions, he should be allowed to take a leave of absence until training, care, therapy, or time off has afforded him the capability to do so. I also doubt that Director LeFleur has a major mental or physical incapability to effectively write, sign, and understand letters, since he seemed perfectly

capable to author his seven page letter in defense of his signature at the bottom of a one page letter that he did not write.

3. **Director LeFleur does not care to write his own letters.** This to me is the most likely. The ADEM Director should ideally embody the mission of ADEM by maintaining a "safe, healthful, and productive environment." I am also under the assumption that these environmental conditions in the comma-separated list of the mission are ranked in order of priority for the department. Ideally, safety is prioritized over healthfulness, and healthfulness is prioritized over productivity. However, by letting a lawyer for the coal industry author a letter that prioritizes productivity over healthfulness and safety, Lance LeFleur endorsed that prioritization as ADEM Director with his signature. This betrays the mission of ADEM. This betrays the trust that Alabamians place in ADEM to first keep their environment safe and healthful before considering what we can produce from it. **If Lance LeFleur does not care to write his own letters on issues as important as the continued safety and healthfulness of Alabamians, then he should be allowed to not care from the comfort of the private sector.**

To you, the AEMC: Do the right thing. Put a new director in place of Lance LeFleur who, in opposing EPA cleanup efforts in Alabama, will bear the blame of whatever health problems arise in that community due to foot-dragging. **Just as Lance LeFleur has betrayed public trust by allowing a corrupt lawyer for the coal industry to determine ADEM policy, you, the AEMC, have also betrayed public trust by installing a careless man into a position that requires its occupant to care passionately about the safety, healthfulness, and productivity of Alabama's environment.** I doubt you lack resources. I doubt you lack capability. But if the next ADEM Director is another careless man in the same vein as Lance LeFleur, I will hold to my belief that the AEMC does not care about the safety, healthfulness, and of course, productivity, of Alabama's environment. I will be happy to review your performance should the opportunity arise.

Sincerely,

Will Freeman

Thomas, Debi

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From: Lily Elmore <lily.carson.elmore@gmail.com>
Sent: Wednesday, June 26, 2019 10:44 AM
To: Thomas, Debi
Subject: Job performance comments

To whom it may concern,

ADEM has been consistently disappointing as an environmental agency under the leadership of Mr. LeFleur. Alabama's environmental health and justice have greatly suffered from a lack of competent oversight and limp consequences for the pollution of the incredible natural resources of our state. This most recent Tyson situation only highlights the underlying problems of leadership and enforcement with the department. If ADEM's mission is truly to assure for all citizens of the States safe, healthful, and productive environment, it has failed time after time. Please, take the environmental concerns of groups like Gasp and the Riverkeepers seriously and start to defend our state against interests which carelessly poison our resources and citizens. The performance of this entire agency has been subpar for decades, and significant changes in policy and procedure need to be made to address these issues and get ADEM on the right track. Start with pursuing justice against polluters, but do not stop there: form consistent, just procedures against the desecration of Alabama's natural wonders.

Sincerely,

Lily Elmore

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Thomas, Debi

From: Patrick Townsend <whit30@charter.net>
Sent: Wednesday, June 26, 2019 10:46 AM
To: Thomas, Debi
Subject: ADEM director and ADEM performance in general.

Director is a corporate stooge and the agency works for industry not for the people.
Fire the whole mess of em and hire some people who actually care about our air and water.

Sincerely,
Patrick W. Townsend
Concerned Citizen



Thomas, Debi

From: Karen Thomas <akthoma1@gmail.com>
Sent: Wednesday, June 26, 2019 12:13 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

To Whom it May Concern:

I am deeply troubled by the lack of alarm and engagement from ADEM regarding pollution violations, both air and water, plaguing North Alabama. It continues to seem like ADEM leadership is more interested in protecting polluters than protecting public health and ecosystems. The people demand more and deserve to be able to trust our regulatory agencies are doing ALL they can to protect our health and the health of our air, land and water. This leadership team continues to fail the citizens of Alabama.

Best,

Karen Thomas, MPH



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Thomas, Debi

From: Carol Taylor <carolcurtistaylor@icloud.com>
Sent: Wednesday, June 26, 2019 12:20 PM
To: Thomas, Debi
Subject: Tennessee River

Shame on you for not protecting our drinking water. I am enraged that you are not protecting Alabama! I am a registered voter and a taxpayer and my family are longtime property owners in the Tennessee Valley!
Shame on you people!

Sent from my iPhone

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Thomas, Debi

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From: Carol Taylor <carolcurtistaylor@icloud.com>
Sent: Wednesday, June 26, 2019 12:24 PM
To: Thomas, Debi
Subject: ADEM Job Performance

Disgraceful job performance. I do not want my taxpayer money going to an environmental protection service that is corrupt ! We have hired you to protect our environment! Shame on you!

Sent from my iPhone



Thomas, Debi

From: Lisa Tarvin <lisa.tarvin@wallacestate.edu>
Sent: Wednesday, June 26, 2019 1:02 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Hello,

I am writing to you to express my evaluation of the ADEM director and my concern over the poorly run Tyson River Valley Ingredients/American Proteins plant located in Hanceville, Al. The handling of this matter by the ADEM director has been shameful. They are ruining our town, killing fish, wildlife, plant life, poisoning our creeks and rivers. On June 6, 2019 a massive effluent spill occurred into Dave Young Creek which flows into the Mulberry Fork. Other incidents have occurred at this plant. In August 2016, American Proteins spilled 900 gallons of sulfuric acid into the river at approximately the same point where this latest spillage took place. In May and June 2015, American Proteins accidentally released 80,000 gallons of wastewater into the river at the same location. The company was fined \$50,000 by the Alabama Department of Environmental Management (ADEM) for the two incidents. The plant was also the source of a spill in 2011, which was attributed to damage from the April 27 tornadoes. The company was not charged or fined. This company needs a huge fine, not the measly amount they have been fined in the past. That is just a slap on the wrist and is obviously not preventing them from having numerous "accidental spills". They should also pay for all clean up, damages and upkeep for the many years the waterways, animals, fish and plant life will be affected. Shutting this particular plant down should also happen. They have had numerous complaints and have had numerous spills. The waters impacted by this spill contain e-coli twice the safe limit allowed by the state. No one can even get into the water safely. The animals that drink from these waterways will be poisoned and marine life will be decimated. Please stop this plant from poisoning and ruining our environment. They are risking the lives of the people, animals, and marine life in our town and should be shut down for good. The ADEM director is just not doing his job and is letting Tyson get away with all of this. It makes you wonder if he is being paid off by these companies as there have been numerous complaints about other companies dumping into the river as well. A new director should be appointed ASAP and an investigation onto the performance of the current director should be conducted. We need someone in the director's position that can protect the environment not someone who allows continuous dumping of toxic waste into our rivers and creeks.

Sincerely,
Lisa Tarvin

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Thomas, Debi

From: dlgowen@aol.com
Sent: Wednesday, June 26, 2019 1:08 PM
To: Thomas, Debi
Subject: ADEM

AMEN

A.D.E.M. FAILS US AGAIN

The Alabama Department of Environmental Management (ADEM) is among nation's weakest state agencies when it comes to enforcing laws and protecting our water and air. Moreover, ADEM has been captured by the polluters they are supposed to regulate. With multiple environmental disasters occurring across the state in the last few weeks, the media is exposing ADEM's growing incompetency and conflicts of interest.

Things continue to get worse for ADEM.

John Archibald, a Pulitzer prize winning writer for al.com, wrote: *"Alabama should have been shocked into action long ago by the sordid and salacious disregard of the agency that puts polluters over the people and limply makes excuses by explaining it is charged with managing destruction to the environment and not regulating it. Alabama should be offended by the disregard of the state's health and beauty, of the fouling of the air and water and the cost to tourism and recreation and health and life."*

Kyle Whitmire, from al.com, wrote: *"When 3M self-reported toxins it had dumped in the Tennessee River, [ADEM] didn't bother to tell anyone — including the people who drink from that river. A Huntsville TV reporter had to discover the 3M disclosure on her own and do the work for them. In Alabama, the poisons aren't just in our water, our air and our dirt. Our politics are the most poisonous of all."*

Josh Moon, a writer for the conservative leaning, Alabama Political Reporter, wrote this week: *"Honestly, we are to the point now that we're probably worse off with ADEM than without. We should take the money that we're apparently wasting on that staff and give it to the various Riverkeeper groups around Alabama. Hell, they find half of the problems, and provide much more honest and thorough reports, and do a much better job notifying the general public of problems than ADEM ever has."*

So much of the pollution in Alabama, especially 3M, is enabled by ADEM. This issue directly impacts all Alabamians, including you, our members. We ask you to please send your thoughts and comments to ADEM using the info below, and please keep sharing the news, talking to your friends about pollution, and by donating or volunteering using the links below.

Thank you,

David Whiteside, Riverkeeper

Don Gowen
1310 Cantwell Ave. SW
Decatur, Alabama 35601
256-350-7067
c-256-309-1279
dlgowen@aol.com

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Thomas, Debi

From: William Sealy <wtsealy@gmail.com>
Sent: Wednesday, June 26, 2019 1:54 PM
To: Thomas, Debi
Subject: ADEM Job Director Review

I think this excerpt from a news article says it all.

“In April, 3M reported to the Alabama Department of Environmental Management that it was discharging chemicals that are illegal to put into water. But records show that the state of Alabama had been alerted for years and did not stop the continued release of the toxic chemical into the Tennessee River.

WHNT News 19 discovered that 3M disclosed on state discharge reports to [ADEM](#) that it was releasing chemical FBSA since at least 2014.”

This is not the only controversy this director has faced. What are you doing as a state to protect your water, lands, resources? When health issues show up years from now who will take the blame, who will pay that bill? When our water is too toxic to drink or play who will take the blame? WTF are y'all doing down there? If you're still a religious state then rest assured that you will be judged for your actions or lack thereof. I'm glad I got the hell out of there. Thank you for destroying my home

Sent from my iPhone

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Thomas, Debi

From: Kellie Owens <kellie.owens61@yahoo.com>
Sent: Wednesday, June 26, 2019 1:56 PM
To: Thomas, Debi
Subject: Director Lance LeFleur's Job Performance.

LeFleur to Cynthia Gould:

"The water is safe to drink," he replied. "This is an ongoing matter, and we owe it to these people to give them due process as we do for anybody." He then talked over her next question ("But you're putting due process above health and safety?") by saying, "Any of the information you would like to have is on the website," and thanked her for coming as he left the room.

The fish, animal and plant life that are sustained by the river has been damaged, may be for generations. That doesn't include the negative health effect that is being experienced by humans who receive our drinking water from the river. Countless numbers of people have been/are sick as a result of this travesty of greed.

It's shameful that money/greed rules the decisions that should be based on the health, welfare and common good of the citizens in the affected area.

Poor, poor job performance on the part of Director LeFleur.

Kellie Owens
422 First Street
Cordova, Alabama 35550
205-717-7786
kellie.owens61@yahoo.com

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JUN 26 2019

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Thomas, Debi

From: Ashley Hill <ashley@haskinsjones.com>
Sent: Wednesday, June 26, 2019 1:57 PM
To: Thomas, Debi
Cc: Haskins Jones
Subject: ADEM Director Job Performance Evaluation

Do you really need a job performance evaluation from the citizens to understand that ADEM as a whole isn't doing a good job? This is a ridiculous to pin your problems on one man. ADEM is a joke. ADEM doesn't have enough resources to do its job. ADEM should not have the authority to issue waste water permits. Period. ADEM doesn't properly police the big polluters but will go after a small business with a fishing pond in Cullman? ADEM is corrupt.

ADEM does not represent us. ADEM doesn't give a damn about our rivers or water or anyone who gets sick. I am disgusted and ashamed to live in this state.

Ashley A. Hill, Paralegal
Haskins Jones, LLC
2805 2nd Avenue South, Ste 200
Birmingham, Alabama 35233
(205) 250-9977 ext. 104 (main)
(205) 203-4638 (direct)
ashley@haskinsjones.com
Please note our new address.

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Thomas, Debi

From: Taz Zahnd <tazzahnd@live.com>
Sent: Wednesday, June 26, 2019 1:34 PM
To: Thomas, Debi
Subject: Concerned Citizen

Just like all republican majority governments Environmental health is at the bottom of the list regularly receiving budget cuts or in the case of the EPA someone is installed as the head to dismantle/destroy from the inside.
PLEASE MAKE ADEM A PRIORITY!!!

Sent from my iPhone



Thomas, Debi

From: Rodney Dennis <rodneydennis03@gmail.com>
Sent: Wednesday, June 26, 2019 2:25 PM
To: Thomas, Debi
Subject: Director, Job Performance Evaluation

This Department should function to preserve and improve the environment for the health and benefit of the citizens of this State, not for the financial benefit of industry. That this State remains near the bottom nationally in protecting our water and air should be an embarrassment not only for you personally, but for the State's government to allow this to continue. The current Federal Government has taken steps to weaken environmental protection, but that will change eventually, and, in the meantime, that is no excuse for your Department to expose the citizens of this State to a progressive degradation of our most precious commodities. Your attention to this matter will be greatly appreciated.
Rodney L Dennis MD

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Thomas, Debi

From: Susan Kirkpatrick <smkirkpatrick@yahoo.com>
Sent: Wednesday, June 26, 2019 5:49 PM
To: Thomas, Debi
Subject: Recent 3M chemical spill

Very disappointed in ADEM's failure to act to protect the health and safety of the public after the recent 3M chemical spill.

Susan Kirkpatrick

Sent from my iPad

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Thomas, Debi

From: Terral wallace <terralwallace@gmail.com>
Sent: Wednesday, June 26, 2019 4:13 PM
To: Thomas, Debi

Director LeFleur has repeatedly failed to protect the citizens and Environment of the beautiful state of Alabama. The rivers and waterways are being killed more each day, under his watch. The citizens will not allow this to happen anymore. Mr. Lefleur is a prime example of abuse of power and dirty politics. Law suits and jail time are in his near future!!!!!!

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JUN 26 2019

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Thomas, Debi

From: Tim Jackson <timwjackson@me.com>
Sent: Wednesday, June 26, 2019 4:14 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

I won't waste my time or yours by citing the mind-numbing failures of the ADEM Director but let me just say that it's an embarrassment to the state and a personal affront that my tax dollars are being used for such incompetence.

Sincerely,

Tim

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Thomas, Debi

From: Jane Reding <janieruth4@aol.com>
Sent: Wednesday, June 26, 2019 6:43 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Time to fire LeFleur! He has dropped the ball on the Tyson spill!

Sent from my iPad



Thomas, Debi

From: Carol Taylor <carolcurtistaylor@icloud.com>
Sent: Thursday, June 27, 2019 1:15 AM
To: Thomas, Debi
Subject: ADEM Director job performance

I am a resident of Decatur, Al. I am a registered voter and am so upset over the illegal dumping of toxic chemicals in our Tennessee River. I do not believe ADEM is doing a good job of protecting our state.

I think it is corrupt. I am infuriated that our elected officials do not take care of our precious environmental resources!
Carol Taylor

Sent from my iPhone



Thomas, Debi

From: Marilyn Raney <marilyn.raney@gmail.com>
Sent: Thursday, June 27, 2019 7:50 AM
To: Thomas, Debi
Subject: Job performance

ADEM has a terrible reputation as not serving the needs and safety of the people AND the environment but turning a blind eye to industry instead. I don't know if it's corrupt, underfunded, mismanaged or all three. I don't know many specifics but I have friends in the watchdog organizations who indicate to me that ADEM has never done the job it's supposed to be doing.

If that comes from the top of the organization then there needs to be a change.

Marilyn Raney
Trussville resident
Sent from my iPhone



Thomas, Debi

From: MRS RATLIFF <ratliff20143@gmail.com>
Sent: Thursday, June 27, 2019 9:23 PM
To: Thomas, Debi

He and his group so called ADEM are so corrupted, Let them all go ,Yes I'm from the small community that they give the permits to strip mine to destroy my small community sitting on a Brownfield just wonder how much money they have pocket over the years, slap the wrist of (SPILLS) over time it's time to go .

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JUN 27 2019

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Thomas, Debi

From: OI Odis <odis@bellsouth.net>
Sent: Thursday, June 27, 2019 9:24 PM
To: Thomas, Debi
Subject: He has to go.....

Instead of answering questions directed to him (Le Fleur) about ADEM issues he refers you to a website.....

Unacceptable!!

His aloof behavior is not becoming of a self proclaimed transparent department.....

Again, he must go!!

Sent from my iPhone 7S

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Thomas, Debi

From: Robbey Stanford <yakstanford@icloud.com>
Sent: Thursday, June 27, 2019 10:45 PM
To: Thomas, Debi
Subject: Lance LeFleur has performed poorly and I question his integrity
Attachments: Video.MOV; ATT00001.txt

I am dissatisfied with Lance LeFleur performance!

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Thomas, Debi

From: Bill Beaird <billbeaird@gmail.com>
Sent: Friday, June 28, 2019 7:32 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

The performance has been lacking this far. The N Bham fiasco and now the Tyson spill and fish kill. It is time to find someone who will address environmental issues rather than be a shill for corporate \$\$

Bill

From my phone
(205)218-6409

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Thomas, Debi

From: Angela Boozer <aboozer1@me.com>
Sent: Thursday, June 27, 2019 6:57 PM
To: Thomas, Debi
Subject: Adem performance

Disgusting. You can call and report violations even include pictures in your complaint and nothing is ever done. Useless to even report. Always excuses. Our environment is not protected it's ignored.

Sent from my iPhone

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JUN 27 2019

ENV. MGMT.
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Thomas, Debi

From: Anna Claire Rogers <annaclaireeatsgreens@gmail.com>
Sent: Thursday, June 27, 2019 7:49 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

He's a waste of taxpayer dollars and is an enemy of the people.

Anna Claire Rogers
Lifetime Alabama Resident
Believer in Alabama

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JUN 27 2019

ENV. MGMT.
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Thomas, Debi

From: Brad Barnett <bkb4979@gmail.com>
Sent: Friday, June 28, 2019 8:55 AM
To: Thomas, Debi
Subject: ADEM Suggestion

Honestly, the best thing you could do is hire Charles Scribner as director.



89

Thomas, Debi

From: Ernie Meinecke <emeinecke@mchsi.com>
Sent: Friday, June 28, 2019 10:36 AM
To: Thomas, Debi
Subject: LeFluer

LeFluer should be fired and then put in jail !!!!

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JUN 28 2019

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Thomas, Debi

From: Merrilee Challiss <merrileexchalliss@gmail.com>
Sent: Friday, June 28, 2019 9:34 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

The mishandling of the spill by Tyson foods by LeFleur is both disheartening and an embarrassment for our state. I am astonished that someone is paid \$164,000 to choose the rights of big corporations over the rights of the environment he has been tasked with protecting. We need to empower people who actually protect the environment and punish those who pollute it.

Thank you. Concerned citizen,

-Merrilee

--

Merrilee Challiss

Artist

www.merrileechalliss.com

<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.merrileechalliss.com&c=E,1,t_i_x8B8INN_wp3suZUA2_6Mp8_J-mkhMZI8th1EwNb2XCHDnqhC8pY8Do7ZoAErpEUZoSnGm6aTldWsfq6kAC_b-rsgjhmFAf06ddxTyRZDwT_1Zl_F1A,,&typo=1>

@merilka

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JUN 28 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Jamie <jamiegb@gmail.com>
Sent: Friday, June 28, 2019 10:57 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

According to your very own website, "Alabama is blessed with a wealth and variety of natural resources which provide significant social, economic, and environmental benefits and opportunities for the citizens of Alabama. The mission at ADEM is to assure for all citizens of the State a safe, healthful, and productive environment."

The recent spill, along with numerous other actions against our environment in Alabama by corporations, reveals a failure of ADEM to assure our surroundings are safe, healthy, or productive.

I urge you to review the leadership of ADEM's response to environmental catastrophes by corporations here, because it seems that the people of this state, along with our beautiful and bountiful resources are not the priority. If we want to restore and maintain our resources, those who abuse regulations should be held responsible in a manner that hinders them from doing it again.

Thank you,

Jamie Bissot

Citizen of Fairhope, AL



Thomas, Debi

From: ashley spotswood <ahw2@mac.com>
Sent: Friday, June 28, 2019 11:08 AM
To: Thomas, Debi
Subject: ADEM

Please consider replacing Mr Lance LeFleur ,the current director of ADEM, with an individual that is truly concerned about protecting our environment .

Ashley Spotswood
Birmingham, AL



Thomas, Debi

From: Marsha Oglesby <marsha.oglesby@gmail.com>
Sent: Friday, June 28, 2019 11:32 AM
To: Thomas, Debi
Subject: lance lefleur

I just moved back to Alabama from Los Angeles and it's pretty shocking how little the politicians of Alabama, and most of the people who live here, seem to care about the water that surrounds and sustains us. LeFleur is the recent face of that embarrassment. He needs to go. I realize he doesn't make a lot of money as the director of adem, but it's still his JOB to protect the environment and to inform the public when they are at risk from contaminants because of his poor direction.

It was embarrassing that he couldn't even answer a reporter's simple question: "is the water impacted from the Tyson spill safe to drink?" My guess is he doesn't know the answer as he kept telling her to consult the website?? Clearly he's not up to the job.

It's time for him to retire and let someone who actually knows how to run a department do just that.

--

best,

marsha

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ENV. MGMT.
COMMISSION

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Thomas, Debi

From: FRED <fwc70@att.net>
Sent: Friday, June 28, 2019 12:01 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance

Att. Thomas Walters , Chairman of the Personnel Committee.

Sent from [Mail](#) for Windows 10

Sir: I and all my family and friends are upset the way our rivers are being polluted on a regular basis, it doesn't take a Guinness to figure out that the companies in question of the recent spills need better protection around their operations such as a safety dike and alarms to detect and problems with any of the holding ponds to prevent contaminants from entering our streams and rivers.

We give the Director of ADEM a (F) for his job performance to keep us safe and not having a news conference to let the public know what is going on, and his attitude as a public employee is less than desirable, everyone don't have the time to research information on ADEM's Web Site and we depend on news outlets to inform us. We all know you need to test our rivers after a spill of this magnitude up and down the river from the spill for more than one time to say that its safe to use or drink, and test all rivers more often, he needs to update the public through the news outlets daily to inform us after spills such as this one.

Thank You

Fred W Chatham

Fwc70@att.net

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JUN 28 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Kristen Berthiaume <ksbmail@gmail.com>
Sent: Saturday, June 29, 2019 8:46 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

On your website, you state that your mission is to assure safety and health for all citizens of the state; however, the recent spill and several past issues are entirely inconsistent with that stated mission. We count on ADEM to keep our environment pure and safe, and I don't have confidence that the current leadership is interested in or able to do that.

I urge you to review the leadership of ADEM's response to environmental catastrophes by corporations here, because it seems that the people of this state, along with our beautiful and bountiful resources, are not the priority. If we want to restore and maintain our resources, those who abuse regulations should be held responsible in a manner that hinders them from doing it again.

Thank you,

Kristen Berthiaume
Homewood, AL



Thomas, Debi

From: Elizabeth Campbell <eacampbell54@gmail.com>
Sent: Saturday, June 29, 2019 9:55 AM
To: Thomas, Debi
Subject: Mr. LeFluer's Job Performance

Mr. La Fleur does a great job for fatcat businesses. I can see why he might be a popular political choice.

If you are an ordinary citizen, he will is not so helpful. Rather than answering tough questions, he likes to show you the ADEM web site and obfuscate the truth with screens filled with lots of words and fancy pictures.

This does not hide the fact that he is a poor steward of Alabama's environment. Send Mr. LeFleur into retirement. Put a scientist not a politician in the role of guardian. Let's live up to, "Alabama the Beautiful".



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Thomas, Debi

From: DC <astroboy483@yahoo.com>
Sent: Sunday, June 30, 2019 9:59 AM
To: Thomas, Debi
Subject: LeFluer

Sir,

For \$164k+ I expect more. First, during his watch there are several areas of public concern. His glib "its on the website" is unacceptable.

Second, it appears he is acting as a buffer between possible violators and the public. His job is not to be neutral but rather advocate FOR Alabama. I realize the big picture is a balance act. His part is more focused and less nuanced. He doesn't appear to be focused.

Thanks

Dennis Carman
Lillian, AL

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JUL 01 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Will Dodd <wdodd614@gmail.com>
Sent: Sunday, June 30, 2019 11:41 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

To Whom It May Concern:

My name is Will Dodd and I am writing to you today to voice my displeasure with not only the performance of the Alabama Department of Environmental Management, but the inactions of its leadership and governing board.

I've spent my entire life fishing, paddling, and camping along the waterways of Alabama. I proudly tell anyone I meet from outside the state about Alabama's diverse ecology and the beautiful flora and fauna that can only be found right here in our state.

Time and time again I see reports of pollution in our waterways, with a less than authoritative response from ADEM. The lag time in response and the unwillingness to be transparent about reported spills and accidents are why Alabama taxpayers have no faith in government, especially our regulatory agencies.

I spent 8 years working in Alabama politics and in the state legislature. I've reached out to a dozen legislators and had conversations about what we can do to make sure ADEM is held accountable with performing its job. I understand there is a significant discrepancy in the funding ADEM needs and what the general fund allocates currently. But I also do not want to reward an agency with higher funding that cannot do its job properly in the first place.

By trade, I work in governmental affairs as a land use and environmental regulation specialist. Our firm has worked with state environmental agencies in 46 states and Canada on behalf of Fortune 500 companies. I've been in many situations where I disagreed with a decision made by an agency, but never have I seen an agency with greater apathy than the Alabama Department of Environmental Management.

It's no secret that ADEM reaches out to elected officials urging them to waive public hearings and pushes for "self-regulation" of the very industries it is tasked with regulating. My state representative sat down with Governor Ivey this week and shared many concerns he had with the poor performance of ADEM. I will continue to do everything within my power to provide the people of Alabama some transparency and move ADEM leadership towards greater action.

As for Dr. Miller, the recent comments about Director LeFluer "weathering the storm" of recent criticism is a misguided notion that reveals the true indifference the AEMC has to protecting our state and intends to continue acting as nothing more than a rubber stamp and protector of bad actors within our local industries.

Please consider these comments when evaluating not only the performance of Director LeFluer but others in leadership positions within the agency.

Sincerely,

William E. Dodd

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ENV. MGMT.
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Thomas, Debi

From: garreth price <garrethprice1998@gmail.com>
Sent: Sunday, June 30, 2019 7:48 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Too many people have gone untouched after causing catastrophic damage to our great state under Lefluers management.

It's time for something to change and a person to be out in charge who will actually Manage the Environmental side of Alabama rather than be managed by the people trying to currupt and ruin our state.

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COMMISSION

Thomas, Debi

From: Mark Mcilwain <mrmcilwain@icloud.com>
Sent: Saturday, June 29, 2019 9:50 AM
To: Thomas, Debi
Subject: Director's Job

As the leader of ADEM, he is responsible for the actions of his organization. Recently, I contacted ADEM about a potential sewage spill near Lake Wilson. They blew me off with a terse contact ADPH. I had contacted ADPH repeatedly since February to no avail. But ADEM dismissed my concern outright. If ADPH cannot handle it and ADEM will not consider it, then Who? I give him a C- (present but not accountable).

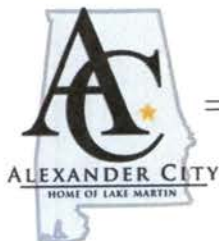
Sincerely,

Dr Mark Mcilwain

Sent from my iPhone



101



CITY OF ALEXANDER CITY

P.O. Box 552 • Alexander City • Alabama 35011-0552
Telephone (256) 329-6700

TOMMY SPRAGGINS
Mayor

AMANDA THOMAS
City Clerk

SANDY STANBROUGH
Finance Director

CITY COUNCIL
Tim Funderburk
Council President
Eric Brown
Audrey "Buffy" Colvin
Chris Brown
Scott Hardy
Bobby Tapley

June 26, 2019

Alabama Environmental Management Commission
Attention: Personnel Committee
Post Office Box 301463
Montgomery, Alabama 36130-1463

Dear Personnel Committee Members:

RE: ADEM Director Job Performance Evaluation

Thank you for the opportunity to provide input regarding the above-referenced evaluation. The City of Alexander City has a long-term, outstanding relationship with the Alabama Department of Environmental Management. This continued relationship is, in no small part, due to the effective leadership of ADEM Director Lance R. LeFleur. In each of our opportunities to work directly with Mr. LeFleur, we have found him to be open, honest, knowledgeable, reasonable, and fair. He has done everything in his power to help us find acceptable resolutions to our issues while maintaining the highest of standards as required by his position.

The City has also found the staff of ADEM to be equally supportive and helpful which we believe to be a reflection of the standards demonstrated by Mr. LeFleur and his Division Chiefs. This impressive level of professionalism is appreciated and should not be taken for granted.

While no one looks forward to environmental issues that require the assistance of ADEM, we take comfort in knowing that, with Mr. LeFleur's continued leadership, common sense solutions benefitting all parties will be reached. The State of Alabama is very fortunate to have someone of his caliber in this very important position and I whole-heartedly support the extension of his employment in this role.

If you need further information or if I can be of assistance, please do not hesitate to call.

Sincerely,

Thomas J. Spraggins
Mayor

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JUL 01 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Brenda Fraioli <brenda.fraioli@topper.wku.edu>
Sent: Monday, July 1, 2019 12:02 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

I am 100% SHOCKED at the stupidity (however well intended) of this email. Alabama just arrested a pitiful African American lady who was shot in the stomach and miscarried her fetus on grounds that the lady killed her baby, and the woman who shot her is free. This is a RED state. Our freshwaters are being destroyed and why is this? Laws are not in place. Oh, and you say there are laws that ADEM isn't enforcing??? WHO decides what ADEM's powers are and what they can do? The same with EPA? I am still in SHOCK over the dumb stupidity of this email, assuming that ADEM can do more than what state leaders/the governor who signed a bill making the woman who lost her fetus due to being shot in the belly a criminal, allows. ADEM is an arm of the governor, no more, no less. ADEM's budget is so severely cut, it's sickens me. As a former state health inspector for Madison County, the governor called the Environmental Director in Montgomery who then called my boss when I did not allow a single-home, or subdivision to have non-engineer designed sewage systems due to water back-up on the soil I was inspecting. All I did was follow state regs in making these decisions. And let me put to you the question of why did the governor care?? Why did the governor even accept phone calls from these developers? Because these developers funded his election and reelection. For the past ten years Madison County has been building on wetlands. We now have simple flooding with a gentle summer rain on roads that did not flood even one year ago due to continual development on every piece of land available. Everywhere around me, I see land that has been "raped" and laid bare for development, only to see the land filled with water, and even now in a drought, some of this land still has too much standing water to build on. However, they remedy it by adding more soil....And then what's going to happen after houses are built, and a couple years go by with the home owners faced with paying massive amounts of money for an engineered designed sewage system due to sewage back-up in their home, and more freshwater contamination from sewage overflow. These government agencies are GOVERNMENT agencies. VOTE BLUE! A better question is to ask what we think of how Governor Kay and our representatives are doing, and that we do everything in our power to give this state back to the Dems. Educate yourself on how GOVERNMENT works for crying out loud.

Sincerely,
Brenda Fraioli
Madison, AL 35757



Thomas, Debi

From: Michael Freeman <steelertiger@gmail.com>
Sent: Monday, July 1, 2019 12:41 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

Horrible. His leadership is substandard at best. Time to go!

Sincerely,
Michael Freeman
1309 Drew Lane Apt 301
Auburn, AL 36830

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JUL 01 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Pam Baugh <baughp@gmail.com>
Sent: Monday, July 1, 2019 1:02 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

Mr. LeFleur does not conduct his job in a way that makes me feel safe as a resident of Jefferson County. I would like to think he is concerned with the health and safety of Alabama residents who drink water from our watersheds but I often find he is more interested in protecting the businesses polluting our water.

I want a man in his position interested in maintaining the Clean Water Act. I want offenders to pay for complete clean up rather than just the small fine required so the burden of cleaning our water is left to the individual home owners through their Water Works bills.

I was furious to follow his participation in last year's news cycle with Drummond Coal on North Birmingham.

Please find a new director interested in the people he is hired to serve.

Thank you.

Sincerely,
Pam Baugh
2605 Canterbury Road
Birmingham, AL 35223

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Thomas, Debi

From: Lisa Balazs <lbalazs84@gmail.com>
Sent: Monday, July 1, 2019 1:21 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur: I am very dissatisfied with Director LeFleur's management of ADEM. He always seems to hesitate in responding and seems to favor the business that is doing the polluting over the people of Alabama. His job is to assure for us a "safe, healthful and productive environment." He is failing at fulfilling his responsibilities.

Sincerely,
Lisa Balazs
427 Pineway Drive
HOOVER, AL 35226

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Thomas, Debi

From: David Shaddix <pleasedont.spamdave@gmail.com>
Sent: Monday, July 1, 2019 1:51 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Human Safety and Health has not been protected. We have major water quality problems across the state, and we dont get notification from ADEM when there is a problem.

My creek was flooded with filth from chicken houses, every fish in the creek dies, it stunk awful, but the state just says it's safe, meanwhile citizen scientists are having to do ADEM's job for them. ADEM seems to be focused on protecting Tyson, instead of protecting the people of Alabama from the damage Tyson is doing to our natural beauty. My kids are out there swimming in the creek, and ADEM is telling us it's clean, while we have thousands of dead fish floating belly up....while I dont want to think the worse, I can only conclude from LeFluer's actions that he is trying to protect the interest of polluters instead of protecting people and the environment.

There is no timely resolution, just handwaving from ADEM saying it's alright to get back in the poisonous water...there is no clean up effort that I'm aware of, just waiting for the filth to flush into the gulf of mexico...the only thing happening timely is how long it takes for ADEM to make apologies for big time polluters..instead of holding them accountable.

I'd like to See LeFleur replaced by someone who actually takes this position seriously, and wants to help protect the people and environment in Alabama.

Sincerely,
David Shaddix
10 Inverness Center Parkway, Suite 500
Birmingham, AL 35242



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Thomas, Debi

From: Frank Vogtner <fvogtner@hotmail.com>
Sent: Monday, July 1, 2019 2:55 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Unless Mr. LeFleur can encourage Alabama Power to remove the coal ash from its current leaking pond to a lined pit inland away from the river, I cannot possibly have a positive feeling about his job performance. One of the major goals of government is to protect the population, and particularly ADEM. I consider it a dereliction of duty to neglect this point. Therefore, I think Alabama Power's permit application to "cap" it where it is should be denied.

Sincerely,
Frank Vogtner
5108 Pineview Ln. S.
Mobile, AL 36608



Thomas, Debi

From: Rona Donahoe <rona.donahoe@gmail.com>
Sent: Monday, July 1, 2019 3:31 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:
Through its emissioins, Warrior Asphalt, located in Holt, is severely impacting the quality of life and wellbeing of numerous residents in the city of Tuscaloosa. When complaints are filed with ADEM, we are told that the plant is operating within its permit. Continuous monitoring of emissions is needed, as the plant releases the most noxious emissions at night. Residents of multiple neighborhoods are unable to open their windows or enjoy outdoor activities because of the unbearable stench. The plant's permitted emission levels and emission control equipment must be updated to protect the health and safety of those living in NE Tuscaloosa and beyond.

Sincerely,
Rona Donahoe
4510 Bluegrass Pkwy
Tuscaloosa, AL 35406

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JUL 01 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Amanda Graham <amandagraham35062@gmail.com>
Sent: Monday, July 1, 2019 4:41 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:.

My mother is almost 88 years old and she has been having a lot of stomach issues. The next time she goes to the doctor I'm gonna get him to check her for e-coli and other bacteria type infections. The water smells so bad it makes her sick. She is on a fixed income and does not have much after she pays her bills and buy her medication. Now she is having to buy bottled water. She uses it to drink, make coffee, tea, and cooking. It gets very expensive for someone just trying to make ends meet. She buys water and has to pay a water bill. I feel that if this man or anyone else involved in and working in this situation should be able to do a better job than is being done. The is really crazy. I bet if it was your water it would be fixed soon.

Sincerely,
Amanda Graham
8924 Foxfire Rd
Dora, AL 35062

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JUL 01 2019

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Thomas, Debi

From: Kyle Bedwell <bedwellk@gmail.com>
Sent: Monday, July 1, 2019 4:28 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

Protecting human health and safety should be the number one priority of the ADEM director, and that seems to be the one tenet of the job that Lance LeFleur is ok with negotiating.

Tyson
Black Warrior River
Plant Barry
Mobile Bay and Tensaw River Delta

The studies are in. The literature is there. Nothing is being done.

Sincerely,
Kyle Bedwell
5410 Old Shell Rd
Mobile, AL 36608



///

Thomas, Debi

From: Joyce Kent <kentjoyce82@gmail.com>
Sent: Monday, July 1, 2019 4:41 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:
The fish kill at Mulberry Fork is a catastrophic fail on the part of Director Le Fleur. The plant now owned by Tyson has been allowed to pollute the river for at least the 6 years I have lived in Smoke Rise. Now this fish kill has possibly destroyed the unique ecosystem, and poisoned the water. The effects are far reaching and will take years to reverse, if ever.

Sincerely,
Joyce Kent
1191 Echo Trail
Warrior, AL 35180



Thomas, Debi

112

From: Drew Hall <drewhall2004@gmail.com>
Sent: Monday, July 1, 2019 5:35 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

I can't personally speak badly about Lance LeFleur because I don't know him. What I do know is that I am tired of company's getting away practically scott free after dumping chemicals in our waterways. It is Adems job to protect our environment and I don't think they do a very good job. They need to start making examples out of these companies that think it is ok to dump poison in our waters.

Sincerely,
Drew Hall
1414 Cedar Creek Road
Odenville, AL 35120

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JUL 01 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Laney DeJonge <laney@rojobirmingham.com>
Sent: Monday, July 1, 2019 6:08 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur: I think Mr. LeFleur and the Alabama government has not done a good job in showing that they care about the environment and rivers in our state. The environment and clean air and water is the most precious commodity we can give our children. Preserving our in environment is also important economically for tourism and our beer Industry that relies on clean water. I would love to see ADEM actually do a job for the people of Alabama that it represents, instead of protecting polluters. We need to give fines and jail time to polluters and get some laws with some teeth to protect the nature that God gave us. If we don't do it now, we will continue to see our health decline with cancers and we may lose many species of plants and fish and animals permanently.

Sincerely,
Laney DeJonge
3772 Dover Dr
Mountain Brook, AL 35223

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JUL 01 2019

ENV. MGMT.
COMMISSION

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Thomas, Debi

From: Heather Williams <heathermwilliams@msn.com>
Sent: Monday, July 1, 2019 6:38 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur: I do not feel that we safe regarding our water and the chemicals that have been dumped into local rivers. The Mulberry and the Tennessee River are used for recreation as well as drinking water. Tyson and 3m have polluted our waters. We need someone to look out for the citizens of Alabama best interest and health, not big business.

Sincerely,
Heather Williams
2109 Wren Ave SW
Cullman, AL 35055

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JUL 01 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Keith Moore <seekupanemotion@gmail.com>
Sent: Monday, July 1, 2019 7:20 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance

Terrible at his job and apparently too lazy to actually do the job.

Sincerely,
Keith Moore
206 Jefferson ave
Oneonta, AL 35121

RECEIVED

JUL 01 2019

ENV. MGMT.
COMMISSION

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Thomas, Debi

From: Cindi Branham <cindi@netfocusmarketing.com>
Sent: Monday, July 1, 2019 8:37 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

I consider LeFleur a complete sellout.

ADEM has been a compromised agency for too long. Putting profit over people's literal health, livelihood, and lives is as sinful low as you can get.

Of course, ADEM does and will reflect the ethics of the administration it flourishes under.

Clean house and start over!

Sincerely,
Cindi Branham
Huntsville, AL 35802



Thomas, Debi

From: John Meehan <johncarrollmeehan@hotmail.com>
Sent: Monday, July 1, 2019 8:38 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

I think ADEM under the leadership of Lance LeFleur has been a major disgrace in protecting our environment. ADEM has been a weak agency in meeting the needs of not protecting our air, water and land. ADEM needs reforming of it's agency top to botton.

Sincerely,
John Meehan
6101 Dr. Martin Luther King Jr. Drive
Fairfield, AL 35064

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JUL 01 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Jean Brown <jeannorrisbrown@gmail.com>
Sent: Monday, July 1, 2019 9:07 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

Three times in the last three months we have had reports of dead fish in our rivers due to toxic spills.

1. June 2019 Tyson Farms spill spreads e. coli and kills fish in Sipsey Forrk and Mulberry Fork Rivers due to 80,000 waste water spill. In 2016 they did the same thing and were only fined \$19,000.

2. Black Warrior River tributary fish kill near the Al Power Plant Gorgas in Walker County.

3. April on 2019 3M discharging chemicals that are illegal to be put into water. Records show that the state of Alabama had been alerted for years and did not stop the continued release of toxic chemicals into the Tenn River since 2014.

I can not believe Director Lance LeFleur has any interest in protecting the rivers of Alabama. We depend on our rivers for so many things from jobs to recreation. I don't have any confidence in Mr LeFleur and would like to see someone in this position who has a real concern for the people of Alabama and our rivers.
Jean Brown

Sincerely,
Jean Brown
432 Golf Drive
Hoover, AL 35226



Thomas, Debi

From: Alex Romei <apr1989@gmail.com>
Sent: Tuesday, July 2, 2019 12:22 AM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

Lance is an inept corporate figure head who brings shame to his family name and our great state of Alabama. The atrocity at the Black Warrior River is one of Alabama's worst unnatural disasters we have faced inland. The scope of the damage may not be truly understood for another decade and Director LeFleur is treating it as if nothing happened.

He is unqualified for the job and should submit his resignation. Our communities deserve someone in office who is motivated by the pure joy of saving our environment and wildlife. The only green LeFleur cares about are the ones lining his pockets.

Regards,

Alex

Sincerely,
Alex Romei
1624 rex lake road
Leeds, AL 35094

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JUL 02 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Kaylee Burns <kayleeburns1@gmail.com>
Sent: Tuesday, July 2, 2019 7:53 AM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

Sincerely,
Kaylee Burns
4612 heatherbrooke road
Birmingham, AL 35242

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JUL 02 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Richard Glasgow <glasgowrd@gmail.com>
Sent: Tuesday, July 2, 2019 8:47 AM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

His performance is PATHETIC! I would give him an "F".

I would invite a single example of ADEM's actually performing its function - the Alabama environment and we its population are virtually unprotected.

Sincerely,
Richard Glasgow
3009 Brookwood Rd
Birmingham, AL 35223



Thomas, Debi

122

From: Lisa Barrow <dawn1rhino@gmail.com>
Sent: Tuesday, July 2, 2019 9:21 AM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

The corporate destruction of AL water by Tyson was revealed to me by alternative media showing damaging bacterial levels that mainstream reporting, i.e. Director Lance LeFleur, claimed were safe. No amount of water pollution is safe. Attempting to prevent public knowledge of dangerous corporate pollution is unacceptable. The majestic waters of planet Earth are the source of life for all species on our planet. To allow, condone or hide the destruction of the source of life is unacceptable. Alabama is where I was born and raised and the rivers and creeks were my play ground. They are the locations where I first learned about crawdads and frogs. I could walk to the water with a fishing pole and walk home with fish for dinner. It was a different time before corporations were allowed to sully nature. The waters of my childhood are no more. The water still flows but it is not clear and clean and wildlife has diminished. It is of utmost importance that the EPA is honored. The financial corruption and bribery that lead to environmental destruction should not be tolerated at any level but most certainly is unacceptable by the Director. Following the letter of state law, unfortunately, does not mean innocence. The EPA seeks to protect the source of life. Our Blue Planet is unique in the galaxy and the creek in the backyard is as important to protect as the oceans. A love for the water should be a prerequisite and LeFleur has shown his allegiance to money over public safety. I am eager to celebrate a new director who will honor not just the letter of the law but will emerge him/her self in the protection of water for it's sustaining life, for it's value in mental health by providing exercise and/or meditation away from ever encroaching businesses. Headlines should read "the director demands adherence to the EPA as well as state regulations" versus stumbling upon "I followed the letter of the law so there is nothing to be sorry for". Water connects streams to creeks to rivers to bays and seas and oceans. Damage done to water is never isolated. H2O is precious and should be treated with respect. I am glad the position of director to protect waters exists but when that position is used to aid pollution and hide contamination in honor of the almighty dollar, a change in leadership is required. I look forward to a new director who honors nature over the dollar. Thank you for providing a platform for citizens to voice their concerns. Thank you for your time and attention to this matter. Drinking or swimming, paddling or fishing, cooking or bathing, water is our source of life as per the creator's design. I urge you to sit at the water's edge and meditate on what damage one man can do if given the power to put corporate dollars over citizen rights. And never forget the children in Flint, MI. We are better than this. Peace Out.

Sincerely,
Lisa Barrow
2464 Jannebo Road
Vestavia Hills, AL 35216

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JUL 02 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Kay Smith <khsmith1264@gmail.com>
Sent: Tuesday, July 2, 2019 9:28 AM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

While Mr. LeFleur seems efficient in "providing for timely resolution of permitting actions," especially in favor of business interests over the health and safety of residents, he is less than adequate in other responsibilities assigned to him. In particular, beyond "protecting human health and safety," he seems less than interested in "insuring that government is responsive to the needs of people," and "improving services to the citizens of the state." I think the environmental concerns around the 3M discharge of industrial wastes into the rivers in north Alabama and other events such as the environmental injustice in the north Birmingham Superfund site speak to Director LeFleur's failures on these aspects of his duties. Our natural resources in my home state are a gift to its people as well as an important responsibility to take care of for our children. Mr. LeFleur has failed in that responsibility in my opinion. Thank you for your consideration of my views.

Sincerely,
Kay Smith
2412 Old Briar Trl
Hoover, AL 35226

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JUL 02 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Justinn Overton <justinn.overton@gmail.com>
Sent: Tuesday, July 2, 2019 10:49 AM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

Director LeFleur consistently puts the demands of polluting industries and their agenda over his duties to serve the public and the natural resources of the great state of Alabama.

Through his leadership, ADEM has consistently used their power to simply issue permits, poorly enforce them, and then complain they don't have the funds to do a "good job." If they held polluters accountable and imposed substantial fines consistently they would increase their budget size, accountability, and public trust. The "slap on the wrists" they dish out to powerful corporations with persuasive lobbyists is an abuse of public trust.

LeFleur has failed the people of North Birmingham, the communities in Perry County, communities across the state with failing services like their sewer system, and being a part of the communication system that poorly notifies the public where it's unsafe to eat fish or swim in our waterways.

Lance LeFleur is just the beginning of the reform needed at ADEM. In Alabama, our state motto is "We Dare to Defend Our Rights" and the abuse of power and mishandling of information by ADEM and its leadership deserves more than just the business as usual slap on the wrist that ADEM loves.

Alabamians use our environment for food, fun, and to instill family tradition. Every time ADEM fails to hold up its job to resolve permitting actions, improve services, protect human health and safety, and insure the government is responsible to the needs of the people a polluter wins, not the people.

Good luck and don't fail us (again.)

Sincerely,
Justinn Overton
2111 Audubon Circle
Birmingham, AL 35226



Thomas, Debi

From: Richard FUQUAY <rwf@diamondfuquay.com>
Sent: Tuesday, July 2, 2019 11:10 AM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

He gets a grade of F-.

Sincerely,
Richard FUQUAY
3280 Dauphin Street, Suite B129
Mobile, AL 36606

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JUL 02 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: William Potter <bpotter4u@gmail.com>
Sent: Tuesday, July 2, 2019 11:44 AM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

I am not intimately familiar with all of LeFleur's activities but from what I've read in newspapers, he is too indebted to big business and not Alabama at large. I agree with those who have said he should resign.

Sincerely,
William Potter
2404 Thornmor Drive SW
Huntsville, AL 35803

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ENV. MGMT.
COMMISSION

127

Thomas, Debi

From: Bob Farley <rfarley@bham.rr.com>
Sent: Tuesday, July 2, 2019 11:52 AM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

With all the allowed and "accidental" dumping of pollution into our water systems I can't believe that he and his staff are doing a good job. It is either because he and the staff don't care, their hats are tied by our near sighted politicians or they are so under staffed and under funded that they are not capable of doing quality work.

Sincerely,
Bob Farley
520 Maple Street
Birmingham, AL 35206

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JUL 02 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: David Martin <dwmartin@email.com>
Sent: Tuesday, July 2, 2019 12:01 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur: It seems that Mr. LeFleur's main job is to direct the ADEM and inform the public on any and all activities that involve the the natural environment of the State of Alabama. Mr. LeFleur has lacked in this respect of the job. Also The ADEM has failed to adequately enforce the environmental laws of the state. Most violators get away with a slap on the wrist. This cannot continue!!!

Sincerely,
David Martin
36414 Alexandria Trail
Stapleton, AL 36578

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JUL 02 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Andy Shu <atshu@mindspring.com>
Sent: Tuesday, July 2, 2019 12:04 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

Lance is unfit to serve at any capacity in state government. It is ADEM's job to protect the people of this state, the PEOPLE of this state, from contaminated water in any and every way. Lance has shown ZERO interest in doing this, to the point where he rewards companies instead of punishing them.

Do the right thing and put someone in his position who actually cares about the water in out state.

Sincerely,
Andy Shu
144 Lauchlin Way
Pelham, AL 35124

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JUL 02 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Jasper Lee <jazzpearly@gmail.com>
Sent: Tuesday, July 2, 2019 12:28 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

I don't believe Mr. LeFleur has performed his job as ADEM Director well at all. He has not acted in a manner that demonstrates an ability to protect human health and safety. He has not insured that ADEM is responsive to the needs of the people. Mr. LeFleur has allowed big polluters including 3M and Drummond Co. to continue releasing toxins into our water and soil. These companies clearly have no sense of ethical responsibility to the people of Alabama or our environment and through his lack of action in addressing these issues, Mr. LeFleur has demonstrated a disregard for the health of Alabama's citizens as well. When 3M issued a letter to the EPA in April 2019 stating that they had released the chemical FBSA into the Tennessee River, Lance LeFleur and ADEM did not notify the public about these chemical releases.

I want the ADEM personnel committee to know just how important Alabama's rivers are to me and my family. We regularly go fishing and swimming in the Black Warrior, Mulberry Fork, and Cahaba River. We live here because of the rivers. Without them we wouldn't have drinking water. I take threats to the safety of these waters personally and believe that everyone else who lives here should too. We as a community cannot afford to have our water and environment compromised by industry anymore. We cannot afford to have Lance LeFleur continue as Director of ADEM if he won't stand up to threats to the health of our environment.

Sincerely,
Jasper Lee
4430 Vicksburg Dr.
Birmingham, AL 35210

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JUL 02 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Michael Skotnicki <miskotnicki@gmail.com>
Sent: Tuesday, July 2, 2019 1:22 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

I am a sportsman. I have loved fishing and boating on Alabama lakes, rivers, and streams. Alabama's waterways are a great natural resources with great economic value for use in recreation, but also as sources of freshwater by communities throughout the state. ADEM has for decades failed to protect the waterways, but has instead protected the polluters. I say this not only as a sportsman, but as a geologist and former environmental consultant. These waterways were not meant to be little more than sewers for pollution from companies who are handed discharge permits with ease. Director LeFluer (like his predecessors) has not served the interests of the people of Alabama, only corporations, and that needs to change. The recent massive fish kill on the Mulberry Fork of the Black Warrior River is but one example. Large toxic releases like this one by Tyson Farms are too frequent because there is little or no repercussion to the guilty party and thus no incentive to change the conditions that led to the spill. ADEM has the authority to impose substantial fines, but has failed to use fines as a deterrent to correct corporate behavior. What is the cost of the loss of 175,000 fish in the Black Warrior River to Alabamians, sportsman, local businesses that thrive on persons seeking recreation on such waterways? Why should not the guilty party pay these costs? There is no leadership from Director LeFleur on such issues and so he gets a failing grade from me.

Sincerely,
Michael Skotnicki
203 Woodland Drive
Homewood, AL 35209

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JUL 02 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Debbie Pezzillo <dkpezzil@bsc.edu>
Sent: Tuesday, July 2, 2019 1:35 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur: Please get rid of him and put someone in place who is committed to public health. Thank you.

Sincerely,
Debbie Pezzillo
1407 Montevallo Rd
Leeds, AL 35094

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JUL 02 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: B Black <bonnlou@bellsouth.net>
Sent: Tuesday, July 2, 2019 1:39 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur: He is absolutely not taking on the responsibilities of protecting the environment. Get him out of there and give someone else the chance to do it right.

Sincerely,
B Black
336759 pierce st
McCalla, AL 35112

RECEIVED

JUL 02 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

134

From: David LaFon <dclafon@gmail.com>
Sent: Tuesday, July 2, 2019 2:55 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

Under the leadership of Director LeFleur, ADEM's response to the recent fish kill on the Mulberry Fork has appeared to be anything but "efficient, comprehensive, and coordinated." The lack of public comment by ADEM in the immediate aftermath of the event, as well as lack of public outreach to dispel Tyson's declaration that the river was safe for recreation upon return of normal dissolved oxygen levels despite elevated E. coli levels are a clear violation of ADEM's stated purpose. The fish kill was a threat to human health and safety, and disrupted recreational services for the citizens of Alabama. Most egregiously however, the event affected the numerous species that contribute to the unparalleled biodiversity of the river, including those that are threatened/endangered.

Director LeFleur's response to this event has not been commensurate with the magnitude of this environmental catastrophe, and failed in meeting his stated responsibilities. His job performance as director of ADEM is therefore unacceptable.

Sincerely,
David LaFon

Sincerely,
David LaFon
4274 Boulder Lake Circle
Vestavia, AL 35242



Thomas, Debi

From: Kelly Marshall <kellymarshall@gmail.com>
Sent: Tuesday, July 2, 2019 2:20 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please understand that we are at a tipping point and now is your chance to do the right thing to protect Alabama's 132,000 miles of rivers and streams, rather than polluter's interest. You *know* Director LeFleur is not doing his job. You *know* he is not protecting the people of Alabama. You *know* his top concern is protecting industry above community.

Please do the right thing, EMC, and hold him accountable. We are counting on you and most importantly, the children and grandchildren of this state are counting on you.

Sincerely,
Kelly Marshall
Birmingham, AL 35205

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JUL 02 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Gary Sloan <sloangary@comcast.net>
Sent: Tuesday, July 2, 2019 2:12 PM
To: Thomas, Debi
Subject: My comments on the job performance of Director Lance LeFleur

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur: LeFleur and ADEM have done nothing to address the terrible air quality in Tuscaloosa due to Warrior Asphalt's refusal to be good neighbors and install the necessary equipment to address the problem. We frequently cannot go outside to walk the dogs or work in the yard because of the air pollution. Please find a director who will make every effort to solve this serious problem.

Sincerely,
Gary Sloan
4644 Riva Ridge Drive
Tuscaloosa, AL 35406

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JUL 02 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: John Saad <johngregorysaad@gmail.com>
Sent: Tuesday, July 2, 2019 3:18 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

During Mr. LeFleur's tenure, ADEM has lacked leadership and accountability. There are no meaningful protections or oversight of Alabama's natural resources. Nor does ADEM appear able to properly respond to environmental crises, to coordinate effective remediation, or to even simply levy appropriate penalties (the 3M and Tyson incidents are recent examples). In fact, ADEM, under Mr. LeFleur, is often combative, condescending, vague, slow, and ineffectual. ADEM's stunning lack of oversight appears to give priority to corporate interests rather the interests of the people, which, if true, is clearly at odds with the purpose of a state's environmental management department. Why even have ADEM if they're not going to protect our state's natural resources for the people's good use and enjoyment?

Even from an economic development perspective, ADEM's notoriously disorganized and slow approval process holds up many development and construction projects. It calls into question ADEM's integrity and loyalty, because they appear to fast-track projects by big out-of-state industrial and corporate actors but outright ignore the projects of smaller in-state entrepreneurs.

As every angler, hunter, paddler, hiker, and landowner in Alabama knows, our state is blessed with a wide variety of waterways, forestland, wildlife, plant life, and recreational and economic opportunities. But without a strong, equitable, far-sighted, and well-organized management department protecting our natural heritage and supporting our local businesses, Alabama's natural bounty will continue to be exploited and desecrated by bad out-of-state actors.

ADEM needs new leaders who will put Alabama's people and places first.

Sincerely,
John Saad
1001 Melrose Place
Homewood, AL 35209

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JUL 02 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Jim Graham <jimgraham19@gmail.com>
Sent: Tuesday, July 2, 2019 9:32 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:
Replace him with someone whose allegiance is aligned more with the environment rather than with industry.
Our Alabama industrial manufacturers have enough lobbyists already.

Sincerely,
Jim Graham
1110 W Collinwood Cir
Opelika, AL 36801

RECEIVED

JUL 02 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Eric Muth <muthepchs@yahoo.com>
Sent: Wednesday, July 3, 2019 8:23 AM
To: Thomas, Debi; Kelly, Russell
Subject: Alabama the Beautiful?

It is painful to know that we live in a state blessed with an abundance of water and biodiversity that we treat worse than almost any other state.

As a citizen, I believe that the government should work 1st and foremost for citizens. Am I incorrect in assuming that regulations should be in place and enforced to ensure that citizens have more of a right to clean air & water than a corporation has to maximize profit margins?

It seems to be much too common in Alabama that companies that break the rules that limit discharges into our water are minimally fined, if punished at all, as they continue to do as they please. Our family can't just let our sewage run into our local lake, why should businesses be allowed?

Sincerely,
Eric V. Muth



Thomas, Debi

140

From: Asa Harris <asajharris@gmail.com>
Sent: Wednesday, July 3, 2019 8:35 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

I don't know Mr. LeFleur, but I have lived in Alabama my entire life. I grew up fishing and swimming in the Chattahoochee River and I went to college on the banks of the Black Warrior. It has been during the past few years—during Director LeFleur's tenure—that I started to doubt the safety of the waters in this state that have always been a sanctuary for me. I want to know if Mr. LeFleur cares more about keeping Tyson Foods happy than he does about keeping Alabamians safe and healthy—Alabamians who choose to fry up fresh catfish on the Fourth of July or swim in our state rivers with their friends and family to celebrate the anniversary of our country's independence. Does Mr. LeFleur care more about pleasing Utility Company executives than he does the well-being of Alabama freshwater ecosystems?

I can't say that I know the answers to these questions for sure. But what I can say about his job performance as Director of ADEM is that doubt has been created about the prioritizing of citizens and resources over profits and corporate partnerships. If someone asked me whether or not Director LeFleur was fighting for me as a citizen, or the wild places in this state, I would have to say "I doubt it."

Sincerely,
Asa Harris
137 Violet Place
Eufaula, AL 36027



Thomas, Debi

From: Kimberly Morris/Jeff Galway <kgorris@verizon.net>
Sent: Wednesday, July 3, 2019 10:45 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Take a hard environmental look at how the state handles its resources:

1. Recycling - Does not exist on the scale that would make a difference.
2. Pollution - Air pollution, water pollution, ground pollution is constantly occurring.
3. Lack of potable water and sewage management in this state.

Balance the lack of progress in this state against the savings to industries or to the state and you will see that the people of this (non-politicians, non-company owners or investors) have not been priority one for this state.

Jeff Galway
703 371-7110



Thomas, Debi

142

From: plushytc@aol.com
Sent: Wednesday, July 3, 2019 10:54 AM
To: Thomas, Debi
Subject: job performance comments

My family's home is in Walker County, very near the river.

My home is in Hanceville, also near the river.

I am very upset at the lack of transparency over the Tyson spill and over the fact that this company has had other violations with just a slap on the wrist (and I realize that some of those may have been under a previous director and committee).

As I read of other problems like the 3M Decatur issue, it is difficult to have confidence that Tyson will be appropriately punished and that other issues will be prevented and/or solved. So at this moment, my view of the director's job performance is very dim.

Leigh Ann Courington

RECEIVED

JUL 03 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Jack Mitchell <Jhmthree@gmail.com>
Sent: Wednesday, July 3, 2019 12:49 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:
Poor at best ! Mulberry Fork fish kill, 3M polluting Tennessee river, fish consumption advisories State-wide, at least 3 known creeks have swim warnings for harmful levels of pollution.
Corporations have too much influence on decisions made for a planet that doesn't belong to them.... In Alabama, the poisons aren't just in our water, our air and our dirt. Our politics are the most poisonous of all.
Replace Lefleur

Sincerely,
Jack Mitchell
245 Noblitt Circle
Boaz, AL 35956

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JUL 03 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Joint Email <ctandms@att.net>
Sent: Wednesday, July 3, 2019 1:07 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear Alabama State Personnel Committee,

While I appreciate the difficulties of running an under resourced agency in a poor, very low tax state; there is no excuse for allowing rich companies to get away with polluting Alabama. ADEM's recent failures to hold Tyson, with \$40 billion in revenue last year alone and other polluters fully accountable for the pollution of Alabama, the Black Warrior river and for the destruction of wildlife is an indictment of Mr. Lefleur and his poor job performance. He even failed when asked, to address the safety of the Black Warrior river due to recent contamination. Mr. Lefleur works for us not the polluters. Our beautiful state and its citizens deserve better.

Sincerely,
Mariann Schmitz
2305 Teton RD
Hoover, AL 35216

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JUL 03 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

145

From: Matt Malczycki <mattmalczycki@gmail.com>
Sent: Wednesday, July 3, 2019 3:41 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

Like every other official in this state, LeFleur is just a shill for the big businesses. I know, I know: call me "liberal" or "communist" or whatever. But I am sick and tired of big money calling the shots here in Alabama.

I use the rivers, lakes, and beaches every time I get a chance. I'm weary of not being able to swim in one location or not being able to eat the fish in another. There's an oil spill over there and there's mercury over here. And it's all in the name of the almighty dollar.

I find myself going to GA and FL now to enjoy the outdoors because AL is so polluted. We look corrupt even when compared to Louisiana where they do graft right out in the open. And you know what? Those neighboring states are also where I end up spending my MONEY!

We need a real environmentalist in charge of environmental protection. The good ol' boy BS whereby everything in this state is for sale to the highest bidder has got to stop. This "money-is-everything" mentality and the trick of scaring people by telling them they'll lose their jobs if we clean up our environmental act needs to end. I understand that it's a tried and true way of doing things here, but not everyone is fooled by it anymore.

Lefleur and most of the other people in state government need to go. They need to join good ol' Mike Hubbard in prison or at least have to wear an ankle bracelet.

-- Sincerely, Matt Malczycki, Auburn

Sincerely,
Matt Malczycki
208 COVE CT
AUBURN, AL 36830

RECEIVED

JUL 03 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

146

From: Geoffrey Kiker <geoffreysk@gmail.com>
Sent: Friday, July 5, 2019 11:39 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur: From Tyson's perspective: "well done!"

From Alabama citizens' perspective: "thanks for literally nothing!"

Put an end to the dumping and pretend cleanup cycle at the risk of ruining your crony relationships now! Or find another line of work.

Sincerely,
Geoffrey Kiker
4621 Fieldstown Way, Apt, Suite, Bldg. (optional)
Gardendale, AL 35071



Thomas, Debi

147

From: Becky Smith <bbsmith@bellsouth.net>
Sent: Saturday, July 6, 2019 10:15 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

This is missed opportunity after missed opportunity!

Alabama could do so much more to position it's environmental resources as assets for continued growth while at the same time keeping (correcting, improving) it's health and beauty for it's citizens. Director LeFleur should either become more proactive or be replaced with someone having vision for our future.

Sincerely,
Becky Smith
3405 Montevallo Rd S
Mountain Brk, AL 35213





To: Members of the Alabama Environmental Management Commission
Re: ADEM Director Job Performance Evaluation

June 26, 2019

Commission Members,

I am writing on behalf of Conservation Alabama's staff, board of directors and more than 3,000 members across the state. We appreciate the opportunity to submit public comments on the job performance of current Alabama Department of Environmental Management Director Lance LeFleur. We have serious concerns regarding Director LeFleur's recent performance and his ability to lead ADEM and protect Alabama's environment, which is the foundation of our economy and our communities.

During the month of June 2019, Director LeFleur mismanaged two major environmental problems, eroding public trust in the agency tasked with protecting our natural resources.

On June 6, a wastewater spill caused a fish kill on two forks of the Black Warrior River. Under Director LeFleur's leadership, ADEM has failed to adequately respond to public concerns regarding the safety of the water. Non-profit organizations are conducting water quality testing and publicizing the results in a way that is easy to find and understand; there is no reason ADEM cannot do the same.

On June 14, a local news station reported that a 3M facility in North Alabama had been illegally releasing toxic chemicals into the Tennessee River, which the company first reported to ADEM in 2014. Under Director LeFleur's leadership, ADEM chose not to act on the toxic chemicals release or to notify residents of the potential hazards these chemicals pose.

Our state is currently facing major environmental challenges, including decisions regarding coal ash storage facilities that threaten our waterways and communities. ADEM needs a director who is committed to protecting Alabama's resources and the people who rely on them, and who will serve the interests of the public he or she is charged to represent. We do not have confidence that Director LeFleur is up to the task of managing these challenges in a way that ensures the safety of Alabama's communities or that is transparent and accountable to taxpayers.

Sincerely,

Tammy Monistere Herrington
Executive Director

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JUL 08 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Eartha McGoldrick <emcgoldrick@gmail.com>
Sent: Tuesday, July 2, 2019 4:32 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

Mr. LeFluer appears to care more about protecting polluters than serving our state! We need an ADEM director who will put the environmental health of our state first!

Sincerely,
Eartha McGoldrick
4171 Indian Valley Rd
Birmingham, AL 35217

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JUL 02 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Kristina Visscher <visschek@gmail.com>
Sent: Tuesday, July 2, 2019 11:31 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur: ADEM has been doing an abysmal job of defending our state. The beautiful state I grew up in is being ravaged by greed, and the people who are tasked with protecting her are failing at that job. Please do your job, ADEM. Dare to defend our rights to clean air and water.

Sincerely,
Kristina Visscher
1713 14th avenue south
birmingham, AL 35205

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JUL 03 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Catherine Dellinger <ccdellin@bellsouth.net>
Sent: Wednesday, July 3, 2019 2:48 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

I am very disappointed with the actions taken and not taken concerning the pollution and deaths of fish and other wildlife caused by manufacturers and businesses. It is one thing to slap them on the wrist for a 1st offence but these companies have had multiple offences and you are not hitting them in the pocketbook to where they will take every precaution as to not let the grievance happen again. You are also putting yourself into jeopardy as to who you are working for; the citizens or big business! The rate that you are allowing the pollution, we Alabama as a state will no longer be called the beautiful and your grandchildren will never be able to enjoy the beauty of our state or the outdoors period.

Sincerely,
Catherine Dellinger
4347 Lakeshore Cove
Birmingham, AL

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JUL 03 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Elizabeth Quinn <quinnbhsv@gmail.com>
Sent: Wednesday, July 3, 2019 6:31 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur: I am appalled at the state of our rivers in Alabama. Not just the recent spill on the Mulberry Fork, but the past and ongoing problems with heavy metals and PCB'S in Joe Wheeler and the Tennessee. Alabama is blessed with some of the most diverse river ecology in Anerica. It is part of Mr. LeFleur's job to protect our river habitats for the people of Alabama. Consistantly, he has turned a blind eye to industrial pollution of our Rivers and the result is that the fish in Joe Wheeler aren't safe to eat, the water in the Sipsey and the Mulberry Fork aren't safe for swimming and recreation, and many towns, especially in the black belt, have RAW sewage standing in roads and seeping into waterways. Mr LeFleur is an embarrassment, and he treats environmental regulations as a joke. How many more suits are citizen orgazitions going to have to bring, and how many more articles are nationally recognized publications like National Geographic going to have to publish before ADEM does the right thing and replaces Mr. LeFleur with someone who will enforcece existing environmental regulations and work FOR the people of Alabama instead of toadying to big business.

Respectfully,

Elizabeth Quinn

Sincerely,
Elizabeth Quinn
109 Rachel Dr
Huntsville Al, AL 35806

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JUL 08 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: John Vines <buddyvines252@gmail.com>
Sent: Thursday, July 4, 2019 7:53 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Mr. LeFleur's job performance has been abysmal. He has done little to nothing to improve our water and air quality. He should be terminated and an individual placed in the job who would serve the people of Alabama rather than industry.

Sincerely,
John Vines
1509 Buddy Vines Camp Rd
Bessemer, AL 35023

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JUL 08 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Paul Hawley <phawleyediting@aol.com>
Sent: Friday, July 5, 2019 11:12 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

The column linked below sums up my reaction. This ADEM director is no improvement over the last one and is probably worse -- in the pockets of moneyed interests instead of the public good, which is the mission of government, ESPECIALLY the ADEM.

<https://www.al.com/news/2019/06/who-does-alabamas-environmental-watchdog-work-for-not-you.html>

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JUL 08 2019

ENV. MGMT.
COMMISSION

154

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NEWS

Who does Alabama's environmental watchdog work for? Not you.

Updated Jun 24, 2019;
Posted Jun 24, 2019



Alabama Department of Environmental Management director Lance LeFleur has failed repeatedly while giving polluters and inside track in the name of "due process." (Dennis Pillion | dpillion@al.com)

132

By [Kyle Whitmire | \[kwhitmire@al.com\]\(mailto:kwhitmire@al.com\)](#)

This is an opinion column.

When Drummond Co. and Balch & Bingham pressured the Alabama Department of Environmental Management to reverse course on toxic soil cleanup in north Birmingham, ADEM Director Lance LeFleur [rolled over](#) like a dying fish in an Alabama river.

When 3M self-reported toxins it had dumped in the Tennessee River, [the agency he heads didn't bother to tell anyone](#) — including the people who drink from that river. A Huntsville TV reporter had to discover the 3M disclosure on her own and do the work for them.

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And when a Birmingham TV reporter asked about a disastrous fish kill on the Mulberry Fork, where a chicken plant poisoned the water there, too, LeFleur wouldn't answer questions about that, either.

When ABC 33/40 reporter Cynthia Gould told LeFleur that people want to know whether the water in the Black Warrior River system is safe, [LeFleur told her to go look on ADEM's website.](#)

"This is an ongoing enforcement matter and we owe it to these people to give them due process as we do for anybody," he said.



Dirty Business: How Alabama conspired against its own people

Due process. These people. Who exactly are these people? Because as LeFleur and ADEM have shown again and again, these people aren't people at all, but rather the industries that make it unsafe for real people to live.

If there's one thing that people across the political spectrum can agree on, it's this: When a granddad takes his grandchildren to fish in the river, when they catch a fish, they should be able to eat that fish without worry of impairing the little ones' brain development.

That won't be a problem on the Mulberry Fork. For a while, at least, there won't be any fish there to catch.

And it's not just the fish, either. It's the water. The water we play in. The water we drink.

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WHNT's Chelsea Brentzel has been relentlessly reporting the neglect of 3M, which has dumped enough FBSA, a toxin, into the Tennessee River that the company recently agreed to pay the West Morgan East Lawrence Water Authority \$35 million in a legal settlement.

If you don't get your water from the West Morgan East Lawrence Water Authority, don't rest easy that this story doesn't apply to you. Rivers are long and a lot of other folks live between there and the Gulf of Mexico.

But here's the thing. 3M told ADEM in April that it had underreported the amount of FBSA it had dumped in the river for years.

You would think ADEM would have told somebody, but nope. Brentzel had to discover it on her own. People who live there had to learn the news from her only last week.

In north Birmingham, residents don't need to go fishing for pollution. The toxins are in the dirt where children play, and in the soil where residents grow their food.

In 2015, the EPA wanted to clean up that soil by adding the area to its National Priorities List. All it really needed was an OK from Alabama that it would pick up 10 percent of cleanup costs until it forced local polluters to repay those expenses.

Initially, LeFleur and ADEM said they had no problem with the plan, but one of those potential polluters, Drummond Co., and its law firm, Balch and Bingham, got to LeFleur, [applying pressure](#) directly and — through Gov. Robert Bentley — indirectly, until LeFleur told EPA the state agency had changed its mind.

Challenged on it later, [LeFleur called his course reversal "by the book."](#)

When LeFleur talks about "due process," understand that's how ADEM's due process works. When he says "by the book," remember that means putting polluters ahead of people.

And LeFleur wasn't the only one who got caught working with polluters in that case. Alabama Environmental Management Commissioner Lanier Brown met with the same men and helped sway the due process in their direction, testimony in federal court and documents obtained by federal prosecutors has shown.

When the folks — people, not polluters — showed up at an AEMC meeting demanding an explanation last year, Brown wouldn't so much as apologize.

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Despite court case, environmental regulators ignore duty

This much is clear. LeFleur lives in fear of losing his job. And when you're squaring off with powerful polluters, the last person you need in that position is someone who's afraid.

I would tell you LeFleur, needs to go, but then I couldn't tell you somebody better would replace him. We've seen worse in that job before. LeFleur's predecessor, Trey Glenn, is currently [under indictment on state ethics charges](#).

I would tell you that we need a better ADEM, but that would be understating things. In case after case, ADEM gets caught, not regulating polluters, but aiding and abetting them.

I'm not certain we wouldn't be better off with no ADEM at all.

In Alabama, the poisons aren't just in our water, our air and our dirt. Our politics are the most poisonous of all.



Alabama's governor could clean up toxic soil. Instead, she took \$55,000 from its polluter

Kyle Whitmire is the state political columnist for the Alabama Media Group.

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Thomas, Debi

From: Haley Nichols <fleetwood7624@gmail.com>
Sent: Friday, July 5, 2019 11:34 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur: I hope your PACT money is treating you well. Yes, you make it that obvious. Have you ever actually experienced the beautiful outdoors of Alabama? If you had, I truly feel you'd make better and more responsible decisions. There's something special about it, and it makes me sad that people like you are the reason my grandchildren will one day not get to know the joys of fully experiencing what Alabama nature has to offer. Abuse it lose it.

Sincerely,
Haley Nichols
1417 Patterson Street
Guntersville, AL 35976

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JUL 08 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Penny Hatfield <pennyhat@bellsouth.net>
Sent: Friday, July 5, 2019 1:59 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur: As a citizen of north Tuscaloosa, I am frustrated and annoyed that nothing has been done to remedy the awful odor which emanates from Warrior Asphalt on a regular basis. I have a child who suffers from asthma and allergies. When this stench fills the air, we are unable to enjoy the outdoors, even at our own home. Our health and quality of life have been impacted negatively by this ignored or overlooked situation. My neighbors and myself are all in agreement. Director LeFleur has been unresponsive and dismissive to our complaints. What is the point of this agency or this position if complaints as basic and widely-impactful as this are completely disregarded??? I am keeping close tabs on this problem and will join in with my community to take whatever action necessary to ensure correction. This problem is fixable. Please do your job and fix it.

Sincerely,
Penny Hatfield
946 Germantown Rd
Tuscaloosa, AL 35406

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JUL 08 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Chris Herring <beeherrings@gmail.com>
Sent: Saturday, July 6, 2019 3:54 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur: As an avid kayaker and lover of water. It is my opinion that Mr. LeFleur's time has passed. We need someone who is representative of the people to keep our water clean and hold businesses accountable for their poor treatment of the environment we all live in.

Sincerely,
Chris Herring
4908 clairmont ave
Birmingham, AL 35222



SETH HAMMETT
SPEAKER EMERITUS
ALABAMA HOUSE OF REPRESENTATIVES

July 3, 2019

Mr. H. Lanier Brown, II
Vice Chair
Alabama Environmental Management Commission
P.O. Box 301463
Montgomery, Alabama 36130-1463

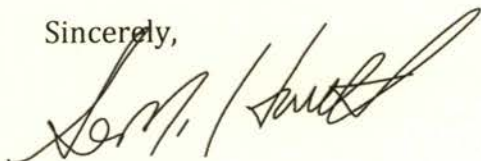
Dear Commissioner Brown:

Recent events surrounding the Alabama Department of Environmental Management prompt me to write you concerning ADEM Director Lance LeFleur. Having spent 32 years as a member of the Alabama House of Representatives, including 12 years as Speaker, I've had the opportunity to work with ADEM and its leadership on many occasions. We worked together to develop state laws aimed at both protecting our state's precious environment while at the same time encouraging a healthy climate for business. As you know, it's a delicate balance that much ensure the health and safety of our people and also ensure they have places to earn a living for their families.

As director, Lance LeFleur has maintained a healthy balance of interests while navigating the demands from all directions on environmental issues. I know he has used as his compass real science, not opinions, in reaching his decisions and recommendations. It's not an easy task, but I have every confidence in his integrity and leadership.

As commissioners, I know you hear from many who have strong opinions on ADEM and its leadership. This is my opinion based on my years of public service and my work with Lance LeFleur as ADEM director.

Sincerely,



Seth Hammett
Speaker Emeritus
Alabama House of Representatives



SETH HAMMETT
SPEAKER EMERITUS
ALABAMA HOUSE OF REPRESENTATIVES

July 3, 2019

Mr. Jay Masingill, III
Commissioner
Alabama Environmental Management Commission
P.O. Box 301463
Montgomery, Alabama 36130-1463

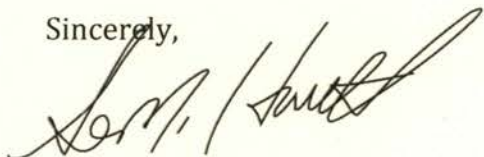
Dear Commissioner Masingill:

Recent events surrounding the Alabama Department of Environmental Management prompt me to write you concerning ADEM Director Lance LeFleur. Having spent 32 years as a member of the Alabama House of Representatives, including 12 years as Speaker, I've had the opportunity to work with ADEM and its leadership on many occasions. We worked together to develop state laws aimed at both protecting our state's precious environment while at the same time encouraging a healthy climate for business. As you know, it's a delicate balance that much ensure the health and safety of our people and also ensure they have places to earn a living for their families.

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As commissioners, I know you hear from many who have strong opinions on ADEM and it's leadership. This is my opinion based on my years of public service and my work with Lance LeFleur as ADEM director.

Sincerely,



Seth Hammett
Speaker Emeritus
Alabama House of Representatives



SETH HAMMETT
SPEAKER EMERITUS
ALABAMA HOUSE OF REPRESENTATIVES

July 3, 2019

Mr. Kevin McKinstry
Commissioner
Alabama Environmental Management Commission
P.O. Box 301463
Montgomery, Alabama 36130-1463

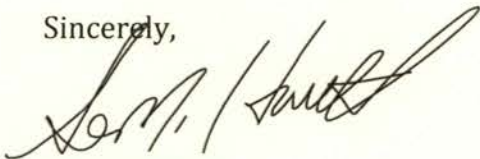
Dear Commissioner McKinstry:

Recent events surrounding the Alabama Department of Environmental Management prompt me to write you concerning ADEM Director Lance LeFleur. Having spent 32 years as a member of the Alabama House of Representatives, including 12 years as Speaker, I've had the opportunity to work with ADEM and its leadership on many occasions. We worked together to develop state laws aimed at both protecting our state's precious environment while at the same time encouraging a healthy climate for business. As you know, it's a delicate balance that much ensure the health and safety of our people and also ensure they have places to earn a living for their families.

As director, Lance LeFleur has maintained a healthy balance of interests while navigating the demands from all directions on environmental issues. I know he has used as his compass real science, not opinions, in reaching his decisions and recommendations. It's not an easy task, but I have every confidence in his integrity and leadership.

As commissioners, I know you hear from many who have strong opinions on ADEM and it's leadership. This is my opinion based on my years of public service and my work with Lance LeFleur as ADEM director.

Sincerely,



Seth Hammett
Speaker Emeritus
Alabama House of Representatives



SETH HAMMETT
SPEAKER EMERITUS
ALABAMA HOUSE OF REPRESENTATIVES

July 3, 2019

Ms. Mary J. Merritt
Commissioner
Alabama Environmental Management Commission
P.O. Box 301463
Montgomery, Alabama 36130-1463

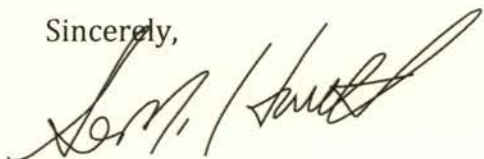
Dear Commissioner Merritt:

Recent events surrounding the Alabama Department of Environmental Management prompt me to write you concerning ADEM Director Lance LeFleur. Having spent 32 years as a member of the Alabama House of Representatives, including 12 years as Speaker, I've had the opportunity to work with ADEM and its leadership on many occasions. We worked together to develop state laws aimed at both protecting our state's precious environment while at the same time encouraging a healthy climate for business. As you know, it's a delicate balance that much ensure the health and safety of our people and also ensure they have places to earn a living for their families.

As director, Lance LeFleur has maintained a healthy balance of interests while navigating the demands from all directions on environmental issues. I know he has used as his compass real science, not opinions, in reaching his decisions and recommendations. It's not an easy task, but I have every confidence in his integrity and leadership.

As commissioners, I know you hear from many who have strong opinions on ADEM and its leadership. This is my opinion based on my years of public service and my work with Lance LeFleur as ADEM director.

Sincerely,



Seth Hammett
Speaker Emeritus
Alabama House of Representatives

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JUL 08 2019

ENV. MGMT.
COMMISSION

SETH HAMMETT
SPEAKER EMERITUS
ALABAMA HOUSE OF REPRESENTATIVES

July 3, 2019

Dr. Samuel L. Miller
Chair
Alabama Environmental Management Commission
P.O. Box 301463
Montgomery, Alabama 36130-1463

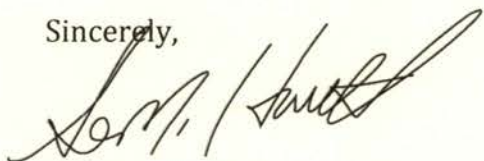
Dear Chairman Miller:

Recent events surrounding the Alabama Department of Environmental Management prompt me to write you concerning ADEM Director Lance LeFleur. Having spent 32 years as a member of the Alabama House of Representatives, including 12 years as Speaker, I've had the opportunity to work with ADEM and its leadership on many occasions. We worked together to develop state laws aimed at both protecting our state's precious environment while at the same time encouraging a healthy climate for business. As you know, it's a delicate balance that much ensure the health and safety of our people and also ensure they have places to earn a living for their families.

As director, Lance LeFleur has maintained a healthy balance of interests while navigating the demands from all directions on environmental issues. I know he has used as his compass real science, not opinions, in reaching his decisions and recommendations. It's not an easy task, but I have every confidence in his integrity and leadership.

As commissioners, I know you hear from many who have strong opinions on ADEM and it's leadership. This is my opinion based on my years of public service and my work with Lance LeFleur as ADEM director.

Sincerely,



Seth Hammett
Speaker Emeritus
Alabama House of Representatives

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JUL 08 2019

ENV. MGMT.
COMMISSION

SETH HAMMETT
SPEAKER EMERITUS
ALABAMA HOUSE OF REPRESENTATIVES

July 3, 2019

Dr. Ruby L. Perry
Commissioner
Alabama Environmental Management Commission
P.O. Box 301463
Montgomery, Alabama 36130-1463

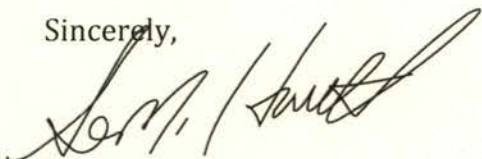
Dear Commissioner Perry:

Recent events surrounding the Alabama Department of Environmental Management prompt me to write you concerning ADEM Director Lance LeFleur. Having spent 32 years as a member of the Alabama House of Representatives, including 12 years as Speaker, I've had the opportunity to work with ADEM and its leadership on many occasions. We worked together to develop state laws aimed at both protecting our state's precious environment while at the same time encouraging a healthy climate for business. As you know, it's a delicate balance that much ensure the health and safety of our people and also ensure they have places to earn a living for their families.

As director, Lance LeFleur has maintained a healthy balance of interests while navigating the demands from all directions on environmental issues. I know he has used as his compass real science, not opinions, in reaching his decisions and recommendations. It's not an easy task, but I have every confidence in his integrity and leadership.

As commissioners, I know you hear from many who have strong opinions on ADEM and it's leadership. This is my opinion based on my years of public service and my work with Lance LeFleur as ADEM director.

Sincerely,



Seth Hammett
Speaker Emeritus
Alabama House of Representatives



SETH HAMMETT
SPEAKER EMERITUS
ALABAMA HOUSE OF REPRESENTATIVES

July 3, 2019

Mr. Thomas P. Walters
Commissioner
Alabama Environmental Management Commission
P.O. Box 301463
Montgomery, Alabama 36130-1463

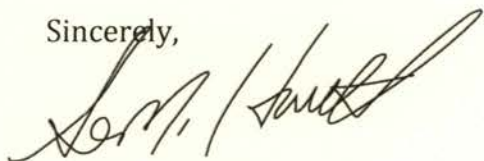
Dear Commissioner Walters:

Recent events surrounding the Alabama Department of Environmental Management prompt me to write you concerning ADEM Director Lance LeFleur. Having spent 32 years as a member of the Alabama House of Representatives, including 12 years as Speaker, I've had the opportunity to work with ADEM and its leadership on many occasions. We worked together to develop state laws aimed at both protecting our state's precious environment while at the same time encouraging a healthy climate for business. As you know, it's a delicate balance that much ensure the health and safety of our people and also ensure they have places to earn a living for their families.

As director, Lance LeFleur has maintained a healthy balance of interests while navigating the demands from all directions on environmental issues. I know he has used as his compass real science, not opinions, in reaching his decisions and recommendations. It's not an easy task, but I have every confidence in his integrity and leadership.

As commissioners, I know you hear from many who have strong opinions on ADEM and it's leadership. This is my opinion based on my years of public service and my work with Lance LeFleur as ADEM director.

Sincerely,



Seth Hammett
Speaker Emeritus
Alabama House of Representatives



Thomas, Debi

From: Jeremy Gordinier <jg@allmail.net>
Sent: Monday, July 8, 2019 3:11 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Poor.

If Lance LeFleur's job is to protect the people of Alabama from spills and toxins in alabama's rivers and air. He clearly has not done that or penalized the polluters.

He needs to go.

--

Jeremy Gordinier
808 81st St. S.
Birmingham, AL 35206

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JUL 08 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Jason McCay <jason.mccay@gmail.com>
Sent: Tuesday, July 9, 2019 11:03 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

Simply put ... in no way do I feel that Lance LeFleur is prioritizing the safety of my family over the influence that industry has on him. He is not leading Alabama into a cleaner future and is failing in properly stewarding the rich resources that our state is blessed with.

He leads a taxpayer-funded organization that should be highly communicative and transparent with the public ... those that fund his and other positions. However, he makes it opaque and unavailable ... the very opposite of what the citizens of Alabama deserve.

The public is then forced to rely on watchdog organizations (that work off donations and volunteers) to have any idea what is happening in our surroundings.

Specific to me, under his watch, the Gaston Steam Plant is increasingly polluting the ground water my children drink and the lake that my children play in. Is ADEM, under his watch, calling Southern Company / APC to accountability? No. Instead, they are levying meaningless fines that are not causing any behavioral changes in the offenders.

If ADEM isn't protecting my children from toxic chemicals found in coal ash, then what is the point of ADEM even existing? If ADEM isn't communicating to the public about companies like Tyson and 3M, then what is the point of ADEM even existing?

Alabama has amazing natural resources and could be one of the gems of this great nation. However, continued poor leadership in ADEM and a propensity to prioritize the interests of misbehaving industries keeps holding us back.

The people of Alabama are strong and proud and we deserve better than this.

Sincerely,
Jason McCay
118 Perkins Landing Cove
Columbiana, AL 35051



Thomas, Debi

From: Shane Oliver <shane.oliver78@gmail.com>
Sent: Thursday, July 11, 2019 3:33 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

Your site says "ADEM's purpose is "to respond in an efficient, comprehensive and coordinated manner to environmental problems, and thereby assure for all citizens of the state a safe, healthful and productive environment."

Not too happy with the 3M incident, why didnt ADEM tell us?

Sincerely,
Shane Oliver
295 Fran Dr
Alabaster, AL 35007

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JUL 11 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Dianne Lollar <dlollar77@gmail.com>
Sent: Wednesday, July 10, 2019 3:51 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance evaluation

Dear AEMC,

Thank you for providing an opportunity to provide input on Mr. Lance LeFleur's job rating.

Due to poor communication skills in providing answers to the public and reporter concerning the Tyson spill that resulted in the contamination of Sipsey River, my rating would be "does not meet standards".

As a director of an organization, Mr. LeFleur should have answered questions instead of referring everyone to the web site.

Referring tax payers and reporters to a web site is indicative of lack of preparation of duties to fully inform the public about the toxic spill.

Thank you again for the opportunity to provide comments on Mr. LeFleur's job performance.

Best regards,

Dianne Lollar, MPH, RDN, FAND

dlollar77@gmail.com <mailto:dlollar77@gmail.com>

RECEIVED

JUL 10 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Kimberly Hills <Kimberlymariehills@hotmail.com>
Sent: Thursday, July 11, 2019 5:24 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

I am a Morgan county resident. I grew up in north Alabama and have swam and played in these rivers streams lakes and creeks my entire life. I drink the tap water.

I pay state taxes. Please explain to me why I am concerned of the safety of the water that flows in my town? Why I am concerned for the safety of the water I drink? Can you please explain to me what exactly is your job? Why you have allowed and continue to allow big businesses to come in to the state you work for, operate these shoddy run down facilities and pollute our life blood rivers lakes and streams in the name of job creation and economic development? After the wastewater spill in Athens, I was concerned. Enter the mulberry fork disaster (Tyson), and subsequent requests for permits to dump more waste water by Tyson, news of 3M further disclosing and investigating possible additional pollutants into the Tennessee River, hearing rumors of unsafe drinking water in Morgan and Limestone counties, my own Utility company alerting us of a waiver to skip testing for certain contaminants from annually to now every three years, meanwhile 3M has settled? What are you doing to protect Alabama citizens? What are you doing to protect state resources? Why do you choose to work at the ADEM if you do not care to perform your job in such a way that you can take pride in your work and that citizens would not be requiring that you explain your inaction and inability to carry out the duties of your assigned role. You represent Alabama. With all due respect I believe you should come forward, make an effort to right these wrongs and serve the people of Alabama, or resign and allow someone who actually cares at all to replace you.

Sincerely,
Kimberly Hills
310 Rock St SE Apt B
Hartselle, AL 35640



Thomas, Debi

From: Susan Haskell <snhaskell@bellsouth.net>
Sent: Friday, July 12, 2019 6:03 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur: Mr. LeFleur has been a friend of polluters, not of the people he is supposed to protect. He has not been forthcoming with information about the safety of water where people fish for food, swim and even drink. He has not been responsive to cleaning up the toxic soil in North Birmingham. Alabama needs a stronger ADEM with a more effective director.

Sincerely,
Susan Haskell
3214 Rockledge Road
Mountain Brk, AL 35213

RECEIVED

JUL 12 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Stanley Echols <info@riverbendinst.com>
Sent: Sunday, July 14, 2019 5:53 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

I believe that Mr. LeFleur has clearly failed to fulfill this requirement: insuring that government is responsive to the needs of the people and sufficiently flexible to meet changing conditions.

Sincerely,
Stanley Echols
4032 Montevallo Rd., S.
Mountain Brook, AL 35213



Thomas, Debi

From: Karen Hendon <karenhendon1951@icloud.com>
Sent: Monday, July 15, 2019 7:27 AM
To: Thomas, Debi
Subject: Director LeFluer's job performance

Sent from my iPhone. Director LeFluer failed in many ways, but most harmful was in not informing the public immediately of this dangerous situation. Instead of avoiding the news media, he should have been the first to use the media to warn people and to make sure signs were posted everywhere people might fish or swim. The entire department should step up and make sure the job is done!

RECEIVED

JUL 15 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Kyle Bedwell <bedwellk@gmail.com>
Sent: Friday, July 12, 2019 11:09 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

It is obvious that the amount of pollution issues over the past year are unacceptable, and Director LeFleur has not held those companies accountable in any significant fashion.

Clean water. Clean air. Healthy Communities.

For all.

Get rid of Director Lefleur.

Sincerely,
Kyle Bedwell
5410 Old Shell Rd
Mobile, AL 36608



Thomas, Debi

From: Don Craft <doncraft@outlook.com>
Sent: Monday, July 15, 2019 11:25 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

In my opinion the Director has done a terrible job of responding to Alabama environmental issues. The responsibility of the Director is to protect the citizens of our state from impure water, and when toxic chemicals are even suspected, the response should be swift, and the results should be made public as soon as possible. Additionally, we have seen in Detroit how contaminated water affects the perception of an area. Alabama does not need any more negative publicity, and its citizens need timely information that directly affects their health.

Sincerely,
Don Craft
1011 Appalachee Drive SE
Huntsville, AL 35801



Thomas, Debi

From: ROALD HAZELHOFF <rhazelho@bsc.edu>
Sent: Monday, July 15, 2019 11:31 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Lance Lefleur:
ADEM's all too cosy relationship with polluters starts at the top. It is time for Lance LeFleur to step down for failing to protect the health and safety of Alabama's citizens.

Sincerely,
ROALD HAZELHOFF
4701 7th ct s
birmingham, AL 35222

RECEIVED

JUL 15 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Tracey Maples <tracey@maplesmail.com>
Sent: Monday, July 15, 2019 12:18 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

It is unconscionable that Director LeFleur would not notify residents of the toxic chemicals that are harming them and all of the environment immediately when he became aware that it was happening, and not remedying the situation immediately when he became aware. But for this to go on not one, not two, not three, not four, but five years is a grossly negligent and a dereliction of his duties. He needs to be removed from his position now, and never be allowed to work for the State of Alabama ever again. Further, he should collect no pension, nor any further monies from the State of Alabama, and should be criminally prosecuted. One could only assume for this to have happened, and for him to be allowed to continue working for the State, that there is some kind of money involved. Allowing living creatures to be harmed for the sake of money is the greatest of evils. Also, the recent spill should be remedied immediately and those responsible for this and the ongoing pollution should be made to make 100 percent reparations. My family uses the waterways and nature parks in this state on a regular basis. We have water on our property in which we wade and float, as do our friends and their children. None of us should have to worry that our waters and lands are unclean, especially due to preventable acts. I vote in every election and I vow to make sure that I will only vote for elected officials who are strongly committed to making sure ADEM is fulfilling its intended purpose.

Sincerely,
Tracey Maples
4600 Rochell Drive NW
Huntsville, AL 35810



Thomas, Debi

From: Mary Lee Ratliff <maryleerat48@gmail.com>
Sent: Monday, July 15, 2019 11:38 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

As President of the Wheeler National Wildlife Refuge Association we are always concerned with any environmental issues that affect our natural resources for the wildlife we are entrusted to protect as well as our deep concerns over the health and well being of all our citizens in the Decatur area. I personally find it appalling how little ADEM seems to care about policing industry as is evident in case after case of abuse to our environment. We drink water from the Tennessee River which is one of the most polluted waterways in the WORLD! How can this happen here?

I hope our state gets its act together before the damage is irreparable and installs a leader who actually cares.

Thank you for your time, Mary Lee Ratliff

Sincerely,
Mary Lee Ratliff
202 greenfield drive
Decatur, AL 35603



Thomas, Debi

From: Bill Moss <deborah_moss@bellsouth.net>
Sent: Monday, July 15, 2019 4:22 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

accept my following comments on the job performance of Director Lance LeFleur: I am unsure if leadership can make a difference in an institution that was developed not to protect AL's natural resources and people, but was developed to protect industry being recruited to Alabama. They didn't protect the people from big coal (Drummon), from Monsanto, etc., etc. However, it may be worth trying, unless he will be willing to do the right thing.

Sincerely,
Bill Moss
1766 Spears Rd
Horton, AL 35980



Thomas, Debi

From: Deborah Exum <jexum51@centurylink.net>
Sent: Monday, July 15, 2019 2:54 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Fleur: As a resident of Alabama, I feel the director could possibly do more to protect the citizens and tourists. The oceans are still showing signs of oil and contamination. Fewer deaths at the ocean could also be more controlled. More safety factors in place, and enforcement?

THANK YOU FOR YOUR WORK.

truly,
Deb Exum

Sincerely,
Deborah Exum
19621 Oak Cir.
Seminole, AL 36574



174

Thomas, Debi

From: danugal@yahoo.com
Sent: Tuesday, July 16, 2019 2:40 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Pathetic. The wastewater operator certification program is a joke and is rife with fraud and abuse. Oversight is nonexistent.
Good ol' boy systems in place from top to bottom.

RECEIVED

JUL 16 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Levi Brown <mlevibrown@gmail.com>
Sent: Wednesday, July 17, 2019 10:52 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

Lance LeFleur's reluctance to sanction reprimands and citations to various entities that violate various water and environmental quality laws have consistently damaged the State of Alabama's valuable natural resources and hurt the people of Alabama who count on these resources for subsistence and recreation.

Whether neglecting the health of citizens living on soil with significantly detrimental levels of carcinogens at the 35th Ave Superfund Site, or neglecting to inform the public of 3M's self-reported chronically elevated levels of toxins in the Tennessee River, or refusing to reprimand the Tyson plant after repeated spills and fish kills in the Mulberry Fork, Mr. LeFleur has proven time and time again that he does not stand up for the people of Alabama or its environmental resources.

Mr. LeFleur's actions and words do not befit the director of the ADEM's position and have done significant damage to this state's people and resources.

Mr. LeFleur clearly is not protecting human health and safety, clearly not improving services to the citizens of the state, and clearly not insuring that government is responsive to the needs of the people and sufficiently flexible to meet changing conditions. He has repeatedly sacrificed citizens' health for the sake of industry appeasement, actively neglected to inform citizens about important toxic spill information, and repeatedly refused to significantly punish those who break laws.

I can not speak as to how effective he is providing for timely resolution of permitting actions but if his track record is any indication I'm sure he's quite quick at issuing permits to his industry associates with little fuss.

We want a representative who will protect the people and the resources of this great state and that person is not Lance LeFleur.

Sincerely,
Levi Brown
1625 Greenbrier Dr. SW
Cullman, AL 35055





JIMMY PARNELL
PRESIDENT

July 16, 2019

176

Alabama Environmental Management Commission
Attention: Personnel Committee
P.O. Box 301463
Montgomery, AL 36130-1463



SUBJECT: ADEM Director Job Performance Evaluation

Dear Commission Members:

As the state's largest farm organization with more than 335,000 member families, the Alabama Farmers Federation commends ADEM Director Lance LeFleur for being fair and cooperative in finding solutions to Alabama's environmental opportunities.

We have worked extensively with Director LeFleur and ADEM to secure funding for the Concentrated Animal Feed Operations (CAFO) program and to improve its effectiveness for both animal agriculture and the environment. The director effectively balances a firm commitment to the law and regulatory requirements with a healthy, collaborative approach to problem solving.

The Federation also worked with ADEM to clarify regulatory jurisdiction for the application of biosolids as fertilizer and to ensure operators and landowners are abiding by the law and best management practices.

Director LeFleur has developed a constructive working relationship with agriculture and forestry stakeholders. By participating in ag-related meetings and educational seminars, the director and his team have earned the trust and respect of farmers, forest landowners and agribusinesses.

As a member of the American Farm Bureau Federation, we frequently hear reports from other states where environmental regulators have an adversarial relationship with farmers and landowners. That's not the case in Alabama. Thanks to the leadership of Director LeFleur and the ADEM Commission, our members are confident they will be treated fairly regarding environmental matters.

In a time when regulatory overreach and activism often have more influence than science and law, it's refreshing to work with a state director who is tough, but equitable, in execution of his responsibilities. Under Director LeFleur, ADEM has focused on its primary mission to protect and improve Alabama's environmental health. By taking an educational and corrective approach to issues when they arise, ADEM is achieving this mission.

We appreciate Dr. LeFluer's strong leadership, thoughtful guidance and receptive response to the concerns and needs of Alabama farmers and landowners.

Sincerely,

Jimmy Parnell



Thomas, Debi

From: Jodie Klugel <jodierk@gmail.com>
Sent: Wednesday, July 17, 2019 2:46 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

I have lived in North AL for 4 years and my tv news comes from Huntsville, AL stations. The 3 M pollution problem has been in the for front of the evening news for years. There is no reason for lack of monitoring and action by ADEM. There area communities in the areas of ash ponds such as near Gadsden, AL where pockets of people have cancer.

AL needs strong leaders in the oversight and accountability department of ADEM. The agency needs enough funding to hire good, qualified investigators and enough to do the job.

Thanks

Jodie Klugel

Sincerely,
Jodie Klugel
873 County Road 106
Mentone, AL 35984

RECEIVED

JUL 17 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Liz Rozzelle <lizarozzelle@msn.com>
Sent: Wednesday, July 17, 2019 3:32 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:
My husband and our two boys struggle with asthma, which is easily exacerbated by polluted air and water.

We need stronger leadership that demands clean air, water, and soil in the beautiful state of Alabama. Our state motto is correct in saying "Alabama the Beautiful", but it is being ruined by toxic spills in our rivers, roadside spraying, and the deregulation that allows industries to pollute.

Please do better, and make us proud of Alabama's natural beauty, not it's toxicity. Liz Rozzelle

Sincerely,
Liz Rozzelle
105 Bonita Dr
Birmingham, AL 35209

RECEIVED

JUL 17 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Tammy Beane <sepotter@tds.net>
Sent: Wednesday, July 17, 2019 6:36 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

I am appalled at the spill that occurred At Tyson. I am terribly upset at the long term pollution on the TN River (3m and others). Currently the gulf is experiencing algae blooms, toxins, habitat loss and even bacteria problems. Much of Alabama tourism dollars are spent getting to, staying at, and returning from the gulf beaches. ADEM appears to have not done their due diligence in protecting waters that people use for recreation, that are home to species that are only found in Alabama, that people drink, eat, use for watering food, and fish from. In other observations they do allow industry to ruin areas, and won't make statements against industry. Enough is enough. If ADEM is not protecting the environment, then rename it as ADIM....Alabama Department of Industrial Management. This may or may not reflect on the current leadership, budget, or individual staff. I really don't know the workings of ADEM, but it appears things need to change. The current administration in Washington seems to put the burden back in the states hands and therefore we need a strong protective ADEM.

Tammy Beane

Sincerely,
Tammy Beane
3589 County Road 822
Collinsville, AL 35961



Thomas, Debi

From: Cynthia Alldredge <clalldredge59@gmail.com>
Sent: Wednesday, July 17, 2019 10:22 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

I think the condition of our rivers, lakes and creeks are deplorable. The industries that keep dumping and spilling and they just get a slap on the hand. There should be some major fines and shutdowns until the problem is 100% resolved. There is no excuse why the Mulberry Fork had this most recent spill. Tyson should be shut down until the problem is fixed and hit with a heavy fine. This director has let too many incidents slide. We need someone in that position that loves Alabama and its Rivers.

Sincerely,
Cynthia Alldredge
128 Oak Ridge Lane
Odenville, AL 35120

RECEIVED

JUL 18 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Melissa Nannini <melissa.nannini@gmail.com>
Sent: Wednesday, July 17, 2019 4:42 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

It appears to me that Mr. LeFleur serves Alabama corporate interests rather than the interests of humans and all other organisms who depend on clean water across our beautiful state. He is shameless.

Sincerely,
Melissa Nannini
Melissa Nannini
Rockford, AL 35136

RECEIVED

JUL 17 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Niko Tsivourakis <ntsivourakis@gmail.com>
Sent: Thursday, July 18, 2019 9:26 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

The environment (water in particular) is our state's prime resource, whether we're speaking of nourishment, recreation, commerce, biodiversity (yes, non-human life matters!). I'm neither a hunter nor a fisherman, but my family and friends partake with religious fervor and consume their catch/quarry. I, among so many, am on trails or the water most weekends (more during the summer). My boys crawl around our backyard creek looking for critters. Friends from other parts of the country marvel at our green city, the trees our lungs and the rivers our veins. Alabama struggles mightily in so many ways, but we should all be able to count on a healthy, robust environment as a source of pride. We should be a beacon of how to do it right. Our environment, on its welcome sign, should respectfully say and reflect "do no harm."

Like so much else in our state, nature has been appropriated for divisive and political purposes. I understand its economic value, but we should utilize it with more consideration and the most stringent protections. As the state's steward (charged with protecting the health of the environment and, by extension, the health of the citizens), ADEM should be that group, beholden first to nature and the citizens. Instead, ADEM seems beholden to Tyson or Drummond, to real estate developers and ALDOT. ADEM should retain the counsel of the best local environmentalists, but it seems either under the sway of industry or a de facto clearing house auctioning off our natural spaces to the most attractive bids. In a state that loves to scream don't tread on me to the fed. gov't, we blindly allow ADEM or its alliances to tread all over us. The difference is crucial; ADEM's disputes have real-world, immediate consequences. They've allowed Al. Power to take the cheaper, more dangerous path of covering over coal ash ponds that will leach toxins into our watersheds/rivers. They overlook corruption at superfund sights. They are part of a mechanism that attracts industries. to our state because of the guarantee of lax/non-existent oversight. As a result, factories are held to weak construction and pollution standards and cause huge problems that could've been mitigated. My local river keeper reminds us that our rivers are often un-fishable, that we should usually stay out.

In whatever calculus is needed to balance human/environmental and economic interests, it's seems economics trumps all.

This is unconscionable. And the work is done both in the shadows and with impunity. For the short-term benefit of only a few.

The irony? The environment, managed well, could be so profitable for all. We need someone at the helm that thinks of the environment first. We need ADEM to advocate for citizens/the wild. We need it to take an adversarial stance-with or without enmity-against everyone else. That's how protection should work.

Thank you for considering.

Sincerely,
Niko Tsivourakis
121 Greystone Glen Dr
Hoover, AL 35242





Rural Development

July 12, 2019

Alabama State Office

4121 Carmichael Road
Suite 601, Sterling Centre
Montgomery, AL 36106

Voice 334-279-3400
Fax 855-304-8456

www.rd.usda.gov/al

Mr. Thomas P. Walters, Chairman
Alabama Environmental Management Commission
Personnel Committee
P.O. Box 301463
Montgomery, AL 36130-1463

Subject: ADEM Director Job Performance Evaluation

Dear Mr. Walters:

I would like to take this opportunity to express my gratitude to Mr. Lance LeFleur, Director of ADEM, for his continued positive leadership and management for ADEM. He certainly has the interest of Alabama as it relates to our environment at heart.

During his tenure as the Director, he and his staff have developed a partnership with the USDA Rural Development state staff to work together to ensure that all rural Alabamians have access to safe, clean drinking water and sanitary sewer. We have had the opportunity to work together on several projects resulting in the positive resolution of some potential environmental hazards. The most recent collaboration has been the wastewater issues in the Town of Uniontown. With the assistance of Lance, his staff, Alabama Rural Water Association, and my staff at USDA Rural Development, it appears that we have a viable plan and funding to not only bring the town into compliance but also clean up the existing lagoon and spray field. Without Lance's leadership, management and his willingness to work with Rural Development, Uniontown may not have been possible.

Thank you for the opportunity to provide feedback in your evaluation of Lance and his performance,

Sincerely,

CHRIS BEEKER III
State Director

RECEIVED

JUL 19 2019

ENV. MGMT.
COMMISSION



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STATE OF ALABAMA
OFFICE OF STATE TREASURER

State Capitol, 600 Dexter Avenue, S-106
Montgomery, Alabama 36104

JOHN McMILLAN
TREASURER

July 18, 2019

Alabama Environmental Management Commission
ATTENTION: Personnel Committee
Post Office Box 301463
Montgomery, Alabama 36130-1463

To Whom It May Concern:

It has come to my attention that the Chair of the Alabama Environmental Management Commission is seeking “feedback” from the general public on ADEM Director Lance LeFleur’s job performance. For the record, I would like to share my thoughts about Mr. LeFleur’s leadership as ADEM Director that will hopefully provide value to the ADEM Chair as Mr. LeFleur’s job performance is evaluated.

Prior to my inauguration as Alabama’s State Treasurer last January, I served two terms as the Commissioner of the Alabama Department of Agriculture and Industries (2011-2019). During my entire service at the department, Lance LeFleur served as the ADEM Director. As the former Commissioner of Agriculture and Industries I believe that Mr. LeFleur has served the State of Alabama and ADEM as a firm, but fair leader for the agency. During the eight years I led the Department of Agriculture, we had quite a number of important issues that demanded cooperation or approval from ADEM. No matter what environmental-related issue the department faced, I could expect a fair and professional response from Mr. LeFleur and his professional staff. While those of us at the department might not agree with ADEM’s decisions or process, it was always a certainty that ADEM leadership and staff would be reasonable and open to listening to our concerns.

Under Mr. LeFleur’s leadership, the agency was very willing to work with the agricultural producers and stakeholders working and involved in Alabama’s largest industry. During my two terms as Agriculture Commissioner, ADEM was cooperative and provided assistance – within the parameters of ADEM’s rules and regulations – on a number of issues important to Alabama’s agricultural community. Those issues included: disposal of deceased livestock caused by disease or natural disasters, i.e. Avian Influenza outbreak (2017) and the devastating Alabama tornadoes of 2011; Animal Feeding Operation/Confined Animal Feeding Operation permitting


(AFO/CAFO); agricultural emergency response assistance; and the National Pollutant Discharge Elimination System (NPDES) permitting requirements for agricultural producers addressing water pollution by regulating point sources that discharge pollutants to waters of the United States. Additionally, Mr. LeFleur and his ADEM team provided helpful guidance and oversight, while strictly adhering to the regulatory guidelines, on the removal of underground storage tanks located on several properties owned by the Department of Agriculture and Industries.

Mr. LeFleur and ADEM have led the effort to protect and maintain Alabama's environmental quality during this time despite a state funding crisis that resulted in ADEM constantly having to find creative ways to do more work with less funding. I applaud Mr. LeFleur's leadership at ADEM during the years I served as Commissioner of Agriculture and Industries.

It has been my intent to capture the positive nature of the relationship between agriculture, a regulated industry, and ADEM, the regulator. Mr. LeFleur has been a leader in this effort. We live in a time where there is often divisiveness between private individuals and businesses and government regulators. I believe that ADEM has helped to foster a regulatory climate where Alabama citizens, industries and environmental regulators can meet together to have open and frank discussions on important environmental matters. Further, I believe that in most cases Alabamians are the winners, where the people of Alabama can grow the economy while at the same time have tough environmental oversight that will protect and secure the beautiful state we are blessed to call Alabama.

If I can provide further information, please feel free to contact me.

Sincerely,


John McMillan
State Treasurer

RECEIVED

JUL 19 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Carol Javes <cjav2200@msn.com>
Sent: Friday, July 19, 2019 2:33 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC Personnel Committee,

Please accept my following comments on the job performance of Director Lance LeFleur:

Alabama's natural resources must be protected and preserved. ADEM's purpose is "to respond in an efficient, comprehensive and coordinated manner to environmental problems, and thereby assure for all citizens of the state a safe, healthful and productive environment."

I have lost confidence in Director LeFleur's ability to carry out this mission.

The massive fish kill on the Mulberry Fork is heartbreaking. We must do more to prevent such disasters and hold those responsible accountable in a real and impactful way.

Similarly, the ongoing water pollution issues related to the 3M manufacturing facility are another concern. This has gone on too long.

ADEM has given too much slack to industry and the result has been devastating. These issues illustrate how ADEM under Director LeFleur has failed to uphold the ADEM's mission of assuring a safe and healthful environment for our citizens.

Thank you for your consideration.

Sincerely,
Carol Javes
1206 Lake Heather Reserve
Birmingham, AL 35242



Thomas, Debi

From: Jerry Hamilton <jerryhamilton1948@icloud.com>
Sent: Sunday, July 21, 2019 11:56 PM
To: Thomas, Debi
Subject: Opinion of adem job performance

You have got to be kidding. what is his job description and who does he report to- the governor- since 2009 I know that we have received massive amounts of pollution from Monsanto and 3m and other companies in to the ten river that have effected our land rivers growth of our children caused cancer and death of thousands of our people. i have bladder cancer my family has had many medical problems because of these conditions yet adem and other state officials seem to let this continue without any effort to stop it. 5,000 acres in Lawrence county has been damaged and will be that way for a long time he should not only be fired but should be taken to court for not doing his job concealing the truth and any think else they can find on him. he should be given his day in court without pay.

RECEIVED

JUL 22 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Jerry Hamilton <jerryhamilton1948@icloud.com>
Sent: Monday, July 22, 2019 8:15 AM
To: Thomas, Debi
Subject: Adem review

This guy is getting 160,000 for not doing his job and he is getting raises for what withholding truth and turning his back on us. maybe you should put his job description on the internet so we know what he is supposed to be doing

RECEIVED

JUL 22 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Keith G. Sizemore <kgsizemore@gmail.com>
Sent: Tuesday, July 23, 2019 6:14 AM
To: Thomas, Debi
Cc: ogcmail@adem.alabama.gov
Subject: Director Lance LeFleur Job Performance

July 23, 2019

For the past three years I have had almost continuous contact with ADEM officials about ongoing compliance issues with the Town of Nauvoo owned Nauvoo Water Works Board. These contacts with ADEM have been an exercise in futility. Plentiful and accurate information has been furnished to ADEM with zero corrective action taken against Nauvoo officials and employees. The Director should review this case. If he knows about Nauvoo already and has sponsored ADEM's inept responses to Nauvoo's issues he should be fired.

Sent from my iPhone

RECEIVED

JUL 23 2019

ENV. MGMT.
COMMISSION

Thomas, Debi

From: Keith G. Sizemore <kgsizemore@gmail.com>
Sent: Tuesday, July 23, 2019 5:46 AM
To: Thomas, Debi
Cc: ogcmail@adem.alabama.gov
Subject: LeFleur's Job Performance

For the last three years we have had almost continuous contact with ADEM about compliance issues with the Town of Nauvoo owned Nauvoo Water Works Board. On a grading scale we give ADEM employees and ADEM job performance an F Grade. The compliance issues have never been addressed and are still ongoing. If Mr LeFleur has personal knowledge of what is happening in Nauvoo and his agency's handling of the issues he should be fired.

Sent from my iPhone

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ALABAMA POULTRY & EGG ASSOCIATION

190

John Q. Adams, III
Chief Executive Officer

P.O. Box 240 • Montgomery, Alabama 36101-0240 • Telephone (334) 265-2732 • FAX (334) 265-0008

July 19, 2019

Alabama Environmental Management Commission
Attn: Personnel Committee
P. O. Box 301463
Montgomery, AL 36130-1463

Dear Chairman Walters:

I write this letter in full support of the great job performance of director Lance LeFleur. My experience with Lance has been very positive. His leadership has provided an ADEM environment that is open, fair and reasonable. He is very open to working with individual members and our industry in solving problems and providing a safe and clean environment for the citizens of Alabama.

AP&EA has worked very closely with Lance and his staff on storm water, waste water and air issues over the years and they have always been open and professional. Lance has also assisted our producer members through the AFO/CAFO rule in an effort to insure that agriculture is leading the way to protect the waters of our state.

On behalf of the \$15 billion economic impact and the tens of thousands of employees and farmers, we wholeheartedly endorse the great job that has Lance has done at ADEM.

Thank you for this opportunity to support the great job that Lance has done and continues to do!

Regards,

John Q. Adams, III
CEO

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Pierce Boyd
PO Box 671
Livingston, AL 35470
22 July 2019

191

Personnel Committee
Alabama Environmental Management Commission
PO Box 301463
Montgomery, AL 36130-1463

Reference: Job Performance of ADEM Director Lance LeFleur,

Ladies and Gentlemen,

Mr. LeFleur's job performance has been completely unsatisfactory for his position. He has demonstrated disrespect, arrogance, and lack of leadership. On several occasions, Mr. LeFleur has disregarded the input and concerns of the Citizens of Alabama regarding the environment and safety of Alabama thru improper and inappropriate leadership, particularly regarding hazardous waste and sewage. He responded to a telephone call by implying I had no authority nor justification to contacting him, even though he and his staff had repeatedly refused and / or agreed to return calls and letters and to answer questions. Mr. LeFleur has instructed his staff to not answer any questions, no matter how simple or for clarification, in forums. How can we, the people of Alabama, make informed decisions and have confidence in the regulatory bodies.

His background and experience does not lend itself to the position he holds. Mr. LeFleur and his staff, per his instructions, do not and will not respond to genuine, pertinent public questions and concerns, as well refuse to adequately monitor and inspect facilities under his jurisdiction. Inspecting the largest hazardous waste facility in the United States, once a year, is not monitoring, it is better referred to as complete disregard, disrespect, and dangerous to the great people of Alabama. In public forums, Mr. Lefleur and his staff act as if they were employees of the facilities they are supposed to monitor and have jurisdiction over. He and his staff have acted as though they were employees of the organizations they supposedly have jurisdiction and oversight to protect our environment.

Mr. LeFleur, has brought great disrespect and discredit upon your commission and the State of Alabama, through actions concerning the Drummond Coal situation in Jefferson County, the unsatisfactory monitoring of the hazardous waste facility in Sumter County, AL, and sewage discharges. His organization allows the discharge of waste water from a hazardous waste facility without any prior testing nor notification as per his staff. He should be removed from his position and the employ of the State of Alabama immediately.

Thank you for your time and consideration,


Pierce Boyd

Cc: Numerous





401 Adams Avenue, Suite 710
Montgomery, AL 36104
PH: 334.386.3000
FX: 334.386.3001
www.manufacturealabama.org

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July 25, 2019

To Alabama Environmental Management Commission Personnel Committee

RE: Director Lance LeFleur Evaluation

Thank you for the opportunity to comment on Director LeFleur's performance. Representing Manufacture Alabama's regulated entities, we believe that ADEM, under Director LeFleur's leadership, is functioning well. Having an ADEM that is performing its required job to develop and enforce regulations, while being approachable when questions and problems arise is of significant importance to the regulated community. ADEM, under Director LeFleur's Leadership, is that.

Director LeFleur was instrumental in obtaining needed funding for ADEM.

In summary, Director LeFleur directs an agency that functions at a high level, and we appreciate his leadership.

Sincerely,

A handwritten signature in black ink, appearing to read 'George Clark', with a long, sweeping line extending to the right.

George Clark
President
Manufacture Alabama

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ALABAMA PULP & PAPER COUNCIL

July 25, 2019

To Alabama Environmental Management Commission Personnel Committee

RE: Director Lance LeFleur Evaluation

Thank you for the opportunity to comment on Director LeFleur's performance. Representing the Alabama Pulp & Paper Council, a significantly regulated entity, we believe that ADEM, under Director LeFleur's leadership, is functioning well. Having an ADEM that is performing its required job to develop and enforce regulations, while being approachable when questions and problems arise is of significant importance to the regulated community. ADEM, under Director LeFleur's Leadership, is that.

Director LeFleur was instrumental in obtaining needed funding for ADEM.

In summary, Director LeFleur directs an agency that functions at a high level, and we appreciate his leadership.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy McAuley".

Roy McAuley
Executive Director
Alabama Pulp & Paper Council



Job Performance Evaluation of Director Lefleur

Director Lefleur's job has been ever more demanding over the past 12 months. He has dealt with issues from the trial of a former legislator and his attorneys and accusations against a former ADEM administrator and EMC commissioner. There have been lots of false accusations in the media about ADEM and the director in particular. Through all this he has maintained decorum and provided an unbiased listening post for all sides. This takes a special talent that not many have.

He has maintained good moral throughout the department and kept employee turnover low. This is certainly difficult considering pay and benefits are much higher in the private sector. Making ADEM a pleasant and supportive work environment is the key factor. In my opinion Director Lefleur has excelled in this.

He has spearheaded efforts with the legislature and the Governor's office which have paid off with a much improved appropriation for the department for this fiscal year. Continuing to operate previously with basically no state money and maintaining excellent comparative ranking with other states is a real tribute to the department and its leadership.

In summary, I think we are fortunate to have director Lefleur leading us toward what will undoubtedly be an ever more complicated and contentious future. I hope we can keep him as long as possible!

Samuel L. Miller

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MEMORANDUM

To: Alabama Environmental Management Commission Personnel Committee

Re: Director Lance LeFleur's Evaluation

The forest product industry is the second largest manufacturing industry in Alabama with facilities located in all of the state's 67 counties. The Alabama Forestry Association is the trade association that represents these forest products manufacturers, all of whom are regulated entities that interact with ADEM.

With that as background, I wanted to express my appreciation for the professional manner in which ADEM operates. We recognize that ADEM has a responsibility to promulgate and enforce regulations designed to protect Alabama's environment and we applaud ADEM's ongoing efforts to minimize any unnecessary burdens on the regulated community in carrying out that responsibility. Our manufacturers are equally committed to protecting Alabama's natural resources and fully complying with all environmental regulations.

In our view, ADEM is a well-run, cost-effective agency that makes every effort to work proactively with the regulated community. We recognize that this is largely a result of Director LeFleur's leadership and the Commission's support.

I appreciate the opportunity to provide feedback on Director LeFleur's performance.

Best Regards,

Chris V. Isaacson
Executive Vice President

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Thomas, Debi

From: Tom Kennedy <kennedyt765@gmail.com>
Sent: Saturday, July 27, 2019 8:59 PM
To: Thomas, Debi
Cc: Martha Hunter; Alabama Water Watch; cscribner@blackwarriorriver.org; Stearns, Brad; contact@dougjones.com
Subject: ADEM DIRECTOR JOB PERFORMANCE

Alabama Environmental Management Commission

Attn: Personnel Committee

P.O. Box 301463

Montgomery, AL 36130-1463



Dear Commission,

I am a PhD aquatic ecologist, receiving a BSc with the University of California-Davis (1990), a MSc with the University of Nevada-Reno (1995), and PhD with the University of Alabama- Tuscaloosa (2009). I subsequently took a position with The Nature Conservancy as Biohydrologist, where I investigated the links between aquatic insect and fish communities and the physical dynamics of their habitats.

Upon my arrival to Alabama in 2000, I quickly became fascinated with the wealth of biological diversity of the southeastern United States, and Alabama in particular. But most significantly, especially over the past five years or so, I have become profoundly disappointed with the lack of oversight and phenomenally poor quality of the system of management conducted by the Alabama Department of Environmental Management whose mission objective is "to assure...a safe, healthful, and productive environment" for citizens of the state.

Over the course of my research with UA, I repeatedly was made aware of the notoriously meager, if any, approach by ADEM to regulating contaminants, pollutants and habitat degradation, which has left the maintenance and productivity of this ecological gem of a regional ecosystem in peril. The very recent massive fish kill on Mulberry Fork of the Black Warrior River is just the latest flashy news headline which occurred last month (June). The destructive extent of this spill will endure for years and years to come, and the recreational enjoyment and aesthetically peaceful tranquility will suffer. Unfortunately, this devastating ecological and environmental catastrophe is just one of countless similar stories (3M spill of pollutants into the Tennessee River in Decatur; 2018 report that hundreds of business and residential properties remain contaminated) that LeFleur has avoided addressing in any rigorous manner, if at all.

I have noticed myself that over the past three to five years, the aquatic community of a local creek along the East Branch Luxapallila Creek which traverses through the town of Winfield, Alabama, has all but disappeared, and replaced with brown sludge. I have **NOT SEEN ONE FISH** over the past **TWO YEARS**, not even a *Gambusia*, whereas I remember seeing groups of brilliantly colored cyprinids, and healthy banks of riparian vegetation bordering the stream the first few years after moving here. According to Alabama Water Watch, this branch is listed on ADEM 303(d) from **pasture grazing, municipal waste, animal feeding operations and collection system failure**. In other words, apparently if one wants to pollute, they are at liberty to pollute with whatever they so choose by whatever means available.

This DISREGARD for our environment MUST END, and I DEMAND that LeFleur be fired immediately. Under his "leadership", it's quite apparent that the mission statement of ADEM is nothing more than empty words. The state of Alabama continues to waste its natural resources on extraction, overuse, and disregard to regulatory oversight, and fails to invest in approaches that will sustain the biological diversity and abundance this state is known for. WE MUST HAVE BETTER LEADERSHIP!

Sincerely,

Thomas B Kennedy

cc: Sydney Smith, Alabama Water Watch
Martha Hunter, Alabama Rivers Alliance
Charles Scribner, Black Warrior Riverkeeper
Brad Stearns, ADEM Water Division
Senator Doug Jones-Alabama



Virus-free. www.avast.com

Thomas, Debi

From: Dianne West <movingon2017@icloud.com>
Sent: Friday, July 26, 2019 10:38 PM
To: Thomas, Debi
Subject: Lance Lefleur's performance

I know of children that are sick and an unknowing neighborhood that is being contaminated by groundwater , air and soil. I sent all of my information to the EPA two years ago. They sent me a release to look at the contamination. Guess what, ADEM blocked it so this whole group of people and the whole town are in danger. Do you think he cares??? No he followed the money , the bribe from Alan Truitt . I'm sending a certified letter also with a police witness . So don't try to do set with my letter of complaint.
Sent from my iPhone



Thomas, Debi

From: Dianne West <movingon2017@icloud.com>
Sent: Friday, July 26, 2019 11:01 PM
To: Thomas, Debi
Subject: ADEM director job performance

All you have to do is look at my freedom of information file from the EPA and a couple of lawyers should be fired also. I wrote and sent tests of contamination and false statements in the FOIA by Chris Williams who turned it over to Alan Truitt because he can hide his crookedness And bribing easier. Lance Lefleur signed off on all of their polluting on private property and on a public business .and in a public creek running into the warrior river. They harass me constantly and I am going to take them to court without an attorney if necessary. The city they dumped in has a long relationship with Lefleur. This is worse than Oliver Robinson . It includes a whole city council and a Mayor and a huge corporation and some dirty big time law firm.

Dianne West 2052768200 lawyer in Wetumpka Is taking my case.

Sent from my iPhonered also

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Thomas, Debi

From: Christy Hiatt <chiatt@cleburneschools.net>
Sent: Saturday, July 27, 2019 9:47 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Lance LeFleur's "grade" for job performance would be an "F." In education, a grade is obtained by varying levels of achievement of an objective. "The mission at ADEM is to assure for all citizens of the State a safe, healthful, and productive environment" (www.adem.state.al.us)
 <https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.adem.state.al.us&c=E,1,s_y_c0B3y5xdl3879kpE9VeXic57DxW3y0C_dC_pkPrwZh91H1ultosNpZMWZ0fluDSCmB5WLg51m-sl4GKSY8zVE2NeoFZnQLVhvr-kzpsiXpSA,,&typo=1>). One can assume this mission statement would be the objective for ADEM's Director. Lance LeFleur has failed to achieve that objective in Fruithurst, Alabama, as well as multiple areas of the State of Alabama.

Fruithurst, Alabama is currently living a nightmare with people being diagnosed and dying from leukemia because of contaminated groundwater. This is current research through Auburn University and the University of Alabama. This nightmare started in 1987, with the opening of a rubber compounding factory in Fruithurst. This company's name was ProBlend. It has recently been bought out by Preferred Rubber Compounding and is now owned by Hexpol, a company in Sweden.

In 1996, ProBlend obtained one of two permits from ADEM for storm runoff water (DSN002-1). ProBlend was required to submit storm runoff water test results every 6 months, twice a year. For the 20 years ProBlend operated with permits from ADEM, the company should have submitted 40 storm runoff water test results... ProBlend submitted 20, only half of what was required. Of the 20 test results that were submitted, the levels of contaminants that were in the storm runoff water were as follows:

- * 42,222 times above EPA benchmark for zinc (2008)
- * 85 times above EPA benchmark for chromium (2000)
- * 183 times above EPA benchmark for lead (1999)

Therefore, this means that these test results were placed in ADEM's hands when ProBlend submitted their storm runoff water test results. These levels are HORRIBLE! These contaminants were being released into a storm runoff water drainage ditch that ran directly to the Fruithurst City Well. That city well is an artesian well that supplied the whole City of Fruithurst water. That city well is also the renewal source point for the groundwater aquifer that supplies water to 800 residents through personal wells. Bottom line.... ProBlend was contaminating the groundwater, ADEM had the test results to prove it, and ADEM did NOTHING!

LeFleur was named as ADEM's Director's in 2010. ProBlend was in operation until 2015. ProBlend received a second permit from ADEM in 2012 (DSN002-1). That permit would require ProBlend to test the storm runoff water and this permit added that Volatile Organic Compounds to be tested. Knowing that ProBlend submitted horrible amounts of contaminants up to this point in time, it would be interesting to see what VOC's were present in the storm runoff water. Ironically, when ProBlend was required to test for VOC's, ProBlend stopped submitted storm runoff water test results to ADEM and ADEM did NOTHING! Therefore, ProBlend did not submit storm runoff water test results, as required by their ADEM permit, from 2012 until the company closed in 2015, which is during LeFleur's term as ADEM Director.

During the last 6 years, Fruithurst has experienced a massive spike in leukemia. In the past 6 years there have been 12 cases of leukemia, of which 3 people have died in the past 3 years. The CDC predicts there should only be 1 case of leukemia in all of Cleburne County. Fruithurst, Alabama is a rural community of about 800 residents and we have experienced a much higher amount of leukemia than what is predicted for our entire county!

To connect the dots.... Auburn University and the University of Alabama launched a massive research project in Fruithurst in November of 2016, because of the alarming rates of leukemia cases. This research has discovered that the groundwater is the common thread for every person that has cancer. Every person that has cancer has consumed the groundwater and most are still consuming the groundwater. Therefore, part of the research was to test the groundwater. We have discovered the following: Bis(2-ethylhexyl)phthalate, Caprolactam, Naphthalene, Arsenic, Barium, Lead, Zinc, Chromium, Silver, Selenium, & Nickel.

Bis(2-ethylhexyl)phthalate (also known as diethylhexyl phthalate, DEHP), is used to make rubber more flexible. Knowing that ProBlend is a rubber manufacturing facility located in Fruithurst, Alabama that was contaminating the groundwater aquifer, and knowing this chemical is not naturally made, this prompted more tests to be conducted. Bis(2-ethylhexyl)phthalate was also discovered in the soil at ProBlend.

After begging ADEM to investigate this situation in Fruithurst, ADEM finally conducted some research on the ProBlend property. Bis(2-ethylhexyl)phthalate was also discovered on ProBlend's property by ADEM. Bis(2-ethylhexyl)phthalate was discovered at the site by ADEM along with the following: Barium, Antimony, Arsenic, Cadmium, Chromium, Copper, Lead, Nickel, Thallium, & Zinc. Bis(2-ethylhexyl)phthalate is the same VOC contaminant that is contaminating and being discovered in the groundwater in wells. ADEM released a report on April 24, 2018. ADEM reported "At this time, the site does not pose a threat to human health and the environment." - page 5 of report 4-24-18, even though the contaminants were discovered on the ProBlend property by ADEM.

So, LeFleur has failed the people of Fruithurst, Alabama, by stating "the site does not pose a threat to human health and the environment." LeFleur is completely WRONG. People are sick. People are dying. Of the 3 people that have died in the past 3 years, one of those was a 12 year old boy, a child that wasn't allowed to live his life because of the neglect of LeFleur and ADEM! So... LeFleur receives an "F" for his performance as ADEM Director because he is allowing people to consume contaminated water and those people are dying!

LeFleur has been ADEM director from 2010 to the present. Therefore, he is responsible for the neglect of the people of Fruithurst, Alabama during that time, and currently still is responsible for that neglect!

Alabama needs someone in the role of Director of ADEM that will carry out ADEM's mission statement and "assure for all citizens of the State a safe, healthful, and productive environment."

You are welcome to view the most recent presentation of the Fruithurst cancer research here:

<https://docs.google.com/presentation/d/1eBuJrvoFIBH3W7KtXwNPn8lF13dsMBv0q-UhTe-96Rw/edit?usp=sharing>

You are also welcome to view the media coverage of this research with the following links:

<https://abc3340.com/news/abc-3340-news-iteam/growing-number-of-cleburne-county-ala-cancer-cases-raising-concerns> <<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fabc3340.com%2fnews%2fabc-3340-news-iteam%2fgrowing-number-of-cleburne-county-ala-cancer-cases-raising-concerns&c=E,1,WX0->

i0b3TcEapoQQaXCvJcMJ1a_0YD8wMXF2KJafh4-D6ht6No-
_z_lrX2la4r7sJmRXoD_WKiW65Z8dbQfQrMyZFCvXw6Lh4_A4TjJNRRERqcZpB0Qxg,,&typo=1>

<http://www.fox5atlanta.com/news/i-team/researchers-disagree-on-cancer-links-in-rural-alabama-town>
<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.fox5atlanta.com%2fnews%2fi-team%2fresearchers-disagree-on-cancer-links-in-rural-alabama-town&c=E,1,KsdVJckXN6cGh28sEOveR3q5pQbENRmX-oujY-VaKOyslyBV7A-19RX15AXKBmtXHpWCbGqnxXYB2shApC6a4fmn1ROpiaQn4p0rc9_23QMh5uPdofOimC3UYQ,&typo=1>

<https://abc3340.com/news/local/alabama-congressman-wants-federal-dollars-to-resolve-north-alabama-well-water-problem>
<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fabc3340.com%2fnews%2flocal%2falabama-congressman-wants-federal-dollars-to-resolve-north-alabama-well-water-problem&c=E,1,z6sB4CmHYaPQsJOGOXDR-4n6W7K_sAxuV8D3o2q-NaoR0xl14KzymYUOaGn1JvAqYyPzrXm32F-VqJOMOdnpDJVGUrAgXuNdNIKAVi4PU90,&typo=1>

<http://www.epa.news/2018-02-15-city-in-alabama-spike-in-cancer-cases-scientists-say-it-may-be-from-water-contaminants.html>
<<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.epa.news%2f2018-02-15-city-in-alabama-spike-in-cancer-cases-scientists-say-it-may-be-from-water-contaminants.html&c=E,1,IB41E5YiP2VgNsWfwiH7foTXe9y1SHB4E89dPIRB7qzqiRJHzq0ofF-deJel6IzaWbMOQ6UPmfmQgW4UTdkDv1JslL0X50LskuLVEY0keJzai7fLhHxWZEIWq-8d&typo=1>>

<https://www.cbs42.com/news/local/adem-brought-into-fruithurst-cancer-investigation/996120604>
<<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.cbs42.com%2fnews%2flocal%2fadem-brought-into-fruithurst-cancer-investigation%2f996120604&c=E,1,Hn-2kgc0iNNBmGpMMhFO0s4tgeQzGLbojFCEoHxlvk8uma3tM93oMH2QEUXBUNrPUqrUno0Gah5QsOG2MKbYYMFWtCBi7qXvfrMTcSBI&typo=1>>

<http://abc3340.com/news/local/whats-in-your-water-cleburne-residents-concerned>
<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fabc3340.com%2fnews%2flocal%2fwhats-in-your-water-cleburne-residents-concerned&c=E,1,p2kIB2vPtDU7leTBrLY2u0-zYZeEZdtG2g9eFQwJ3Uelln1-7HQnXHcCtYLT5032gMcyeqOcCQyhKYjHVD_jMIZUXlqgxuE-oBUf0zcLHMeeuLieUrXRep00tQ,,&typo=1>

<http://www.wiat.com/news/local/adem-brought-into-fruithurst-cancer-investigation/996120604>
<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.wiat.com%2fnews%2flocal%2fadem-brought-into-fruithurst-cancer-investigation%2f996120604&c=E,1,Mrpv0vjLt6lk48yvaCnPM7Mf8WaqIsaXsMoxPc_dAyCGFTsYhzQjnZetHNE6f1KcUBf8dlwPdvjjeoVirVYZNQNBiy9YaFIYli6He1FmHlg&typo=1>

<http://www.wiat.com/news/cbs-42-investigates/research-finds-connections-between-cancer-victims-in-fruithurst/903791351>
<<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.wiat.com%2fnews%2fcbs-42-investigates%2fresearch-finds-connections-between-cancer-victims-in-fruithurst%2f903791351&c=E,1,y7YO6byqVHrj0bkE4ZbwYRNlbV69BGVidZdQTcrOw2QfSbymW-UFi2rAHXTsORDSZIQ8pBbZGL2Nz9V1fqB2knP22qjpO9Nwvmt0vu-uEPqXi&typo=1>>

<http://www.wiat.com/news/cbs-42-investigates/auburn-university-investigating-fruithurst-cancer-cases-where-6-kids-diagnosed-in-14-months/868117053>

<<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.wiat.com%2fnews%2fcbs-42-investigates%2fauburn-university-investigating-fruithurst-cancer-cases-where-6-kids-diagnosed-in-14-months%2f868117053&c=E,1,-l5QHgXRI9exApyw0BnQTMSlpx15eJh9r14zAjE8tZ2FLlOWZgO1HitF1rk0iQmxboseM3uUw6qjOpzwX0ttKvwdq94sy4ruffM25Q6OqRSNCcVbVgXNNhg,&typo=1>>

<http://www.wiat.com/news/local/fruithurst-residents-get-answers-to-water-tests/946436019>

<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.wiat.com%2fnews%2flocal%2ffruithurst-residents-get-answers-to-water-tests%2f946436019&c=E,1,KEz5rIEQ9MV0Tg8Wu3QX0VpHVlYYvHdqgyTnXBSt6EaTOivimeIVjICrxv3-dWF1M6U_UKmh9gT-xIA0dRnGhHqAB-VHK-XFMVNGaF1SCd57gTOnl3-N8qPF9FKt&typo=1>

<http://www.wiat.com/news/cbs-42-investigates/looking-for-answers-behind-growing-number-of-cancer-cases-in-fruithurst/868041712>

<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.wiat.com%2fnews%2fcbs-42-investigates%2flooking-for-answers-behind-growing-number-of-cancer-cases-in-fruithurst%2f868041712&c=E,1,dQwuDVgAftohGbuYBNfu92psY6SJRsinU4Fe_le7YK2TaQwZFGmSVlkaoxCKWhUrZRjX5Bq9Su0csxeXNZwv2nu0POho-0V4a59OJ88udnYUif&typo=1>

<http://www.wiat.com/news/cbs-42-investigates/community-concerned-after-4-boys-diagnosed-with-cancer-over-last-year/868136629>

<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.wiat.com%2fnews%2fcbs-42-investigates%2fcommunity-concerned-after-4-boys-diagnosed-with-cancer-over-last-year%2f868136629&c=E,1,x7SaM84BOdZy_6e2tFJVYqFfVmf9WLTuPwwLuWPpOygHpElSkRBC9VIFiAOsgLK63JQjWD-6hzUuw5kE91VcsslctKWu0ZWnXdb29mAbSnuYZvtcPzad5g,,&typo=1>

http://www.al.com/news/index.ssf/2018/01/fruithurst_groundwater_contami.html

https://www.annistonstar.com/news/cleburne/adem-to-check-fruithurst-rubber-plant-after-cancer-concerns/article_538c759a-1764-11e8-81bf-a33cf30d6348.html

<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.annistonstar.com%2fnews%2fcleburne%2fadem-to-check-fruithurst-rubber-plant-after-cancer-concerns%2farticle_538c759a-1764-11e8-81bf-a33cf30d6348.html&c=E,1,Gq9TX2Bgg30oVkJzQ1OzK-tYnKe5gnyebQ1u9wHkKHuCu-HC1eRGg5uZeQ2JLGNjgpaRu_q9pmEXUzVXPLDLICG_TMLd-DB-J0iONsc2vpVw63diB4HhRVw,,&typo=1>

<https://www.cbs42.com/news/cbs-42-investigates/auburn-university-investigating-fruithurst-cancer-cases-where-6-kids-diagnosed-in-14-months/868117053>
 <https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.cbs42.com%2fnews%2fcbs-42-investigates%2fauburn-university-investigating-fruithurst-cancer-cases-where-6-kids-diagnosed-in-14-months%2f868117053&c=E,1,_fjNgKSekAlObg_fgztqeSyLNgDoWmWsQF7KVIKua3Xwdf2WoD4n6luC8ERpe4hww6BgA1f2SrgwFTFR21wxdOlvTKSZ9YS1Rlew834l9PY,&typo=1>

The following are the scientists involved in the Fruithurst cancer research:

AUBURN UNIVERSITY

DR. LOKA ASHWOOD, DR. MING-KUO LEE, DR. ALLEN FURR, DR. JOEL CUFFEY, DR. JOEL HAYWORTH Graduate Assistants: Colin Sutton, Kenzley Defler, Shelby Blair, Pilela Majokweni, Connor Cain UNIVERSITY OF ALABAMA DR. NATASHA DIMOVA Graduate Assistant: Daniel Martin Montiel

DR. CHRISTY HIETT

If you have additional questions please do not hesitate to call me at 256-201-7762 or email me. I have plenty of research and knowledge to share about this situation in Fruithurst.

Sincerely,

Dr. Christy Hiatt
 Principal
 Fruithurst Elementary School
 256-579-2232

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From: Kevin McKinstry <kmckinstry@westervelt.com>
Sent: Monday, July 29, 2019 11:02 AM
To: Thomas, Debi <aemc@adem.alabama.gov>
Subject: ADEM Director Job Performance Evaluation

Ms Thomas, please see my comments for Director LeFleur's job performance evaluation for the current review period: I think the metrics speak well for the performance of the agency under Director LeFleur's leadership. The agency staff that I have had the pleasure to meet and observe clearly have a passion for the mission of ADEM and they perform their assignments at a high professional standard. The Director has had many challenges to handle during this review period and I have observed his strong leadership during this time. He also works diligently to keep the Commissioners informed of current issues and the agency's activities.

For an opportunity for improvement, It appears that it would be beneficial to add a media specialist or public relations professional to the agencies team to be proactive in educating the public of the agencies good work and achievements. I know information is posted on the ADEM website in a timely manner, but its been my observation that the general public would rather have that information pushed out to them on a regular basis, rather than have to search on their own for it. This is a specialized skill set and will demand a substantial amount of time to accomplish, I would not expect the Director to be able to handle this in addition to his leadership duties.

Overall I would give Director LeFleur's performance as "meets expectations" for this review period.

Kevin McKinstry
Recreation Manager
Certified Wildlife Biologist
800-281-7991

www.westerveltlodge.com

www.westerveltwildlife.com



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>>> "Thomas, Debi" <aemc@adem.alabama.gov> 07/29/19 9:11 AM >>>

Thomas, Debi

From: Nancy Blackledge <nkblackledge1@att.net>
Sent: Monday, July 29, 2019 5:41 PM
To: Thomas, Debi
Subject: Director's Performance

I think Lance Lefleur should be replaced. He has done nothing to protect Alabama's natural resources. If any companies are fined for their discretions , it is minimal and gives no deterrent to avoid their pollution.

I truly resented Mr. LeFleur's comment to a female newscaster asking him questions on the Black Warriors situation from the fish kill . It was quite condescending and no real answer.

In fact , I think all of the executive board should be replaced, and people who care about Alabama's resources and willing to do something about protecting them, should take their place.

Thank you
Nancy Blackledge



Thomas, Debi

From: acisix@gmail.com
Sent: Monday, July 29, 2019 5:54 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

I hope that you will not allow the one-sided reporting of so-called news organizations like ABC 33/40 (AKA: Tabloid Alabama) to influence the performance rating the director receives.

33/40 seems to be interested in sensationalizing events like the Tyson spill by showing images of dead fish day after day, week after week and never airing current images. I despise such tactics and I despise the way their tabloid reporter ambushed Mr. LeFleur while she made accusations during a report. Such behavior is not in keeping with their public interest mandate. It's too bad 33/40 and Cynthia Gould aren't up for a performance review!

33/40 couldn't even manage to spell Mr. LeFleur's name correctly earlier today!

I am not affiliated with Tyson or with any other entity with an interest in this matter.

I have no knowledge of Mr. LeFleur's performance. However, I got the impression that he wanted to be fair by allowing the investigation to run its course before coming to any conclusions. That would be a great example for the news media and other rabble-rousing entities to follow! But, alas, that would be expecting too much. Integrity is a rare commodity these days. As is shame.

Sincerely,

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Bill Hocutt

Comments of Choctawhatchee Riverkeeper on the Job Performance of ADEM Director, Lance LeFleur

Michael William Mullen, CPESC, Executive Director/Riverkeeper
Choctawhatchee Riverkeeper, Inc.

*The mission at ADEM is to assure for all citizens of the State a safe, healthful,
and productive environment.*

First, thank you for the opportunity to comment on the job performance of ADEM
Director Lance LeFleur.

Commissioners, I start with the Department mission statement because my comments
about Director LeFleur's job performance all circle back to judge the Director on his
performance or non-performance as judged by how his actions and or omissions do or
do not match the statements in this ADEM's mission statement.

First let's look at the words "safe" and "healthful" – How well is Director LeFleur doing as
far as actions that make and keep Alabamians "safe and healthful"?

- PFOS (perfluorooctanesulfonic acid) and other PFAS – increasingly states are
setting standards stricter than the USEPA standards to protect water consumers in
those states. Where is Alabama? What actions has Director LeFleur taken to
provide protection for Alabamians? Have his actions been consistent with assuring
a safe and healthful environment for all citizens of the State?
- North Birmingham Superfund site listing – is not urging the USEPA to list the site
or resisting listing of the site compatible with assuring a safe and healthful
environment for all citizens of the State?
- Leaking and dangerous coal ash landfills – other states are requiring removal of
coal ash to upland, lined landfills. Is ADEM's failure thus far to do this, to simply

allow leaking landfills to be treated by capping them only consistent with assuring a safe and healthful environment for all citizens of the State? Does a penalty of \$250,000 which is easily a cost of doing business for Alabama Power an action in line with the mission?

- Is failing to update Alabama's criteria and standards for toxics compatible with assuring a safe and healthful environment for all citizens of the State?
- While the Alabama Legislature has told ADEM to do no more than the USEPA requires on climate change, is failing to speak out and educate legislators about the dangers of climate change to Alabamians, their livelihoods and health and quite possible the survival of their children assuring a safe environment for all citizens of the State?
- Is slow and generally lenient enforcement of permits assuring a safe environment for all citizens of the State?

Regarding this last item does having wastewater treatment systems that are in violations of permits for many months, even many years with no firm deadlines for a return to compliance seem consistent with assuring a safe environment for all citizens of the State? If the Department and Director Lance LeFleur were adhering to its mission statement it would be doing more to bring non-compliant wastewater treatment systems into compliance promptly with deadlines for return to compliance when non-compliance occurs and it would create an environment in which permit holders understand that penalties for noncompliance will be severe and swift.

See the URL below for two NOISs filed this year by just one non-profit. There are undoubtedly other similar violations in the realm of ADEM's NPDES permit universe.

<https://www.environmentaldefensealliance.org/Compliance-Enforcement.html>

There are also large numbers of violations of construction stormwater permits where return to compliance is very slow and sometimes does not happen until a project is completed. ADEM for the last few years at least has under Director Lance LeFleur ceased using cease orders when facilities are not returned to compliance. Reporting

by responsible parties has gotten almost loosey-goosey with telephone and e-mail communications. These communications, even letters, almost always lack statements that reports are made under the penalty of law. Over the years this writer has observed several instances in which responsible parties have filed inaccurate reports or reports that do not reflect the true conditions on the ground at sites. In all there of these there was ample evidence in ADEM's own inspection reports of perjury or mail fraud and ADEM to our knowledge has taken and continues to refer any of these for legal action. I am not providing permit numbers or facility identification numbers to you at this time as the latest of these is still an active site that could come before the Commission. I will however, without identifying the site provide a rough timeline that addresses conditions at the site and a failure of ADEM to take any action capable of producing a rapid return to compliance.

For the site -

- Late 2018 or early 2019 land clearing occurs.
- Late February 2019 – citizen complaint filed - land clearing complete on initial phase and there is no signage, no BMPs and as was learned later no registration of the site
- March 1, 2019 ADEM inspection reveals that there are no BMPs in place
- March 27, 2019 ADEM files an ENOV
- Permit sign when erected was affixed to silt fence wire too far from the road to be observed by the public without potentially trespassing
- Well after land clearing was complete (well after 14 days) a large part of the site had no construction activity and no temporary cover
- Rather obvious silt fence deficiencies/failures reported to ADEM more than once from around May to the current date (072919) and there has still been no temporary cover or seeding done
- In the second week of June the QCP for the site indicated that silt fence was working effectively when in fact it had never been repaired or replaced and this BMP deficiency was reported to ADEM by complainant

- As of July 29, the silt fence still not repaired and there was still only sparse volunteer vegetative cover

This is not effective compliance enforcement and does not sync with the **healthful, productive environment** as stated in the ADEM mission statement. Based on previous responses to presentations I have made to the AEMC about the Department's failure to do effective compliance-enforcement of construction stormwater permits my expectation is that the Director would say that this site is an exception. It is not an exception!

Choctawhatchee Riverkeeper and other organizations have for some time urged or requested that the Department compile statistics that would provide a true evaluation of the effectiveness of compliance enforcement of construction stormwater permits. For instance, what percentage of sites are not registered based on ADEM's response to complaints or its own inspections and how long on average is it after ADEM finds a site in noncompliance is it before the site is returned to compliance? Is ADEM's compliance enforcement program creating compliance? Are all the tools in the tool kit being used effectively?

Director LeFleur has never provided a satisfactory response to these requests.

Failing to effectively enforce construction stormwater permits damages fisheries and can lead to increased flooding and flood damage because of stream siltation. Is this in sync with assuring a **productive environment**?

Choctawhatchee Riverkeeper, Inc. does not believe that ADEM under this Director is using all the tools available to the Department for meeting the mission statement of the Department or is not using those tools effectively.

Choctawhatchee Riverkeeper, Inc. asks the Commission to remind Director Lance LeFleur that he should be directing the Department in such a way that it is meeting its mission statement or at least making continuous improvement in its efforts.

If Director LeFleur or any future Director cannot or will not do that he or she should be terminated for cause.

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Coalbed Methane Association of Alabama
 P. O. Box 361392
 Birmingham, Alabama 35236
 (205) 492-6191

July 30, 2019

Commissioner Thomas P. Walters, Chair
 AEMC Personnel Committee
 P.O. Box 301463
 Montgomery, AL 36130-1463

Commissioner Walters:

The Alabama Environmental Management Commission has requested public feedback on the job performance of Alabama Department of Environmental Management Director Lance LeFleur over the past 12 months. Our Association appreciates the opportunity to make comments to the Committee and the full Commission on this matter.

Our Association recognizes the value of effective protection, management and improvements to our environment. The citizens and the economy of the state depend upon our collective stewardship.

Running such a complex and important agency like ADEM requires great leadership to optimize performance. Maintaining a high level of performance has been especially challenging in recent years due to the ever changing environmental regulatory requirements of new programs that often introduce new science and technology. In addition, the Department has faced some serious reductions in state funding that have made it difficult to maintain an excellent level of performance.

In his 10 years as Director, Lance LeFleur has worked harder than any agency head I know to find ways to meet all the Department's obligations to the public. I doubt there are many agencies that have stepped out like ADEM to address funding challenges with innovation that embraces new technology.

The Department has also benefited from a group of dedicated employees who have lead the major programs of the Department. In recent years, some of these valuable career employees have retired. Director LeFleur has done an excellent job of moving other qualified personnel into these positions, and in doing so has maintained the high performance of the Department.

Like you, I have seen the various reports over the years of ADEM performance compared to other states that clearly demonstrate the program in Alabama is at or near the top in every category of environmental management. This does not happen in any organization or department without great leadership.

No organization is perfect, but it is obvious that ADEM is well managed and is achieving its mandate for the people of Alabama. I am sure this outstanding level of performance will continue under the competent leadership of Lance LeFleur.

If you have any questions, please do not hesitate to contact me.

Thank you for this opportunity to comment.

A handwritten signature in dark ink that reads "Dennis Lathem".

Dennis Lathem, Executive Director
 Coalbed Methane Association of Alabama

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Thomas, Debi

From: Mike Dalen <mikedalen1@gmail.com>
Sent: Tuesday, July 30, 2019 9:05 AM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Dear AEMC,

I understand you are collecting comments regarding ADEM Director Lance LeFleur's job performance.

Bottom Line: FAIL

LeFleur has been a horrible director at protecting Alabama's air, water and land.

LeFleur protects polluters at every opportunity, and attacks those who dare question his leadership.

1. 3M in Decatur -- refuses to take the lead on cleaning up the Tennessee River. Says that's EPA's job. However, ADEM is responsible for managing Alabama's water resources -- and LeFleur refuses to do so.

2. Massive Fish Kill on Mulberry Fork. Again, LeFleur defends the polluter, a multiple offender. Let's them off with a stern letter and ridiculously small fine.

3. ADEM funding - until this year, ADEM's funding from the General Fund was practically zero. LeFleur for years never asked for more to do his job better. He has been content to allow ADEM to become a corporate shill, not a protector of Alabama's citizens.

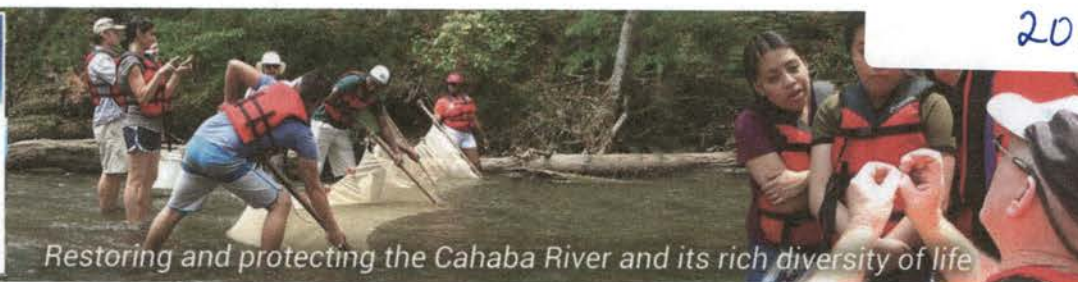
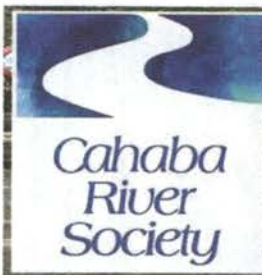
Get rid of this guy. He's not protecting Alabama from polluters. If you don't, AEMC, then you aren't, either.

Regards,

Mike Dalen

387 Ripple Lane
Hampton Cove, AL 35763





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July 31st, 2019

Thomas P. Walters, Chair
AEMC Personnel Committee
P.O. Box 301463
Montgomery, AL 36130-1463

Submitted by email to aemc@adem.alabama.gov

Regarding: ADEM Director Job Performance Evaluation for October 20, 2018 to July 31, 2019.

Mr. Walters and the AEMC Personnel Committee,

The Cahaba River Society is a 501 (c) 3 non-profit conservation group located in Birmingham, Alabama. Our mission is to restore and protect the Cahaba River watershed and its rich diversity of life. The diverse lives depending on the Cahaba include the 600,000 people and numerous businesses in the Birmingham Water Board service area relying on the River as a major source of drinking water as well as its internationally significant diversity of freshwater wildlife.

It is our experience that the ADEM Director's performance over the past year has been inadequate to achieve ADEM's mission and to protect the people of Alabama from environmental harm. We provide three examples and describe those in greater detail below:

- The Director has not advocated to increase ADEM's inadequate budget
- ADEM's Eastern Area Landfill permit review and approval endangers public health
- ADEM's enforcement policies not deter violations

The Director has not advocated to increase ADEM's inadequate budget

The Director should do more to advocate for an adequate budget for ADEM. In the Director's response to the Personnel Committee last year, he notes that he requested \$7M from the legislature for ADEM for the past two budgets. He did not indicate that he has communicated with state legislators or taken any other steps to secure

adequate funding for ADEM from the legislature. We want a Director who will work harder to secure the funding ADEM needs to do more than merely 'getting by', but which will be adequate to protect the health of our communities and the natural resources of this beautiful state. We don't see that happening for Alabama.

The Environmental Council of States (ECOS) compares budgets for participating states for 2013 to 2015¹. They document that only 1.5% of ADEM's budget is from the state's General Fund². ADEM's support from our legislature is the weakest of all the states participating in the Environmental Council of States, save for Missouri which has a dedicated funding source over 10-fold larger than Alabama's. The Director should do more to secure better funding from the state legislature.

Furthermore, that ECOS document shows Alabama's *per capita* spending for environmental management was the lowest of all 50 states. Alabama's *per capita* contribution from the state's General Fund is less than Puerto Rico's contribution. In 2015, ADEM spent \$11.53 per person on implementation of environmental regulations. This only is 21.5% of the average *per capita* spending by other states that participated in the Environmental Council of States.

Agency funding is obviously and fundamentally important. However, the Director's response to questions about ADEM's funding³ does not address the actual *adequacy* of ADEM's current funding and its capacity to adequately protect the health and safety of our communities. Instead, the Director promotes the idea that ADEM is doing well enough with the budget it has.

Unfortunately, the metrics the Director cites to assure the Environmental Management Commission⁴ that ADEM is performing well do not always reflect strong environmental protection. While we are pleased that ADEM's performance has improved in many respects over time, those improvements in timely issuance of permits and other metrics do not necessarily result in better environmental protection.

For example, in the next section, we will describe how ADEM's Land Division has issued a landfill permit in a timely fashion. Unfortunately, that permit is deeply flawed and puts public health at risk. That permit's 'timely issuance' does not compensate for the seriousness of the permit's defects. Metrics about the proportion of permits issued 'on time', while important, they do not always reflect whether those permits have been adequately reviewed or are actually protective.

ADEM's Eastern Area Landfill permit review and approval endangers public health

In our comments on the Draft Permit for the modification of The City of Birmingham's Eastern Area Landfill, AL 37-12, we pointed out that the map in the permit application materials showing the location

¹ These are the most recent assessments available from ECOS. Available at <https://www.ecos.org/documents/green-report-on-status-of-environmental-agency-budgets/>

² See Figure 4a on page 12 of the above document.

³ For example, in the Director's August 1, 2018 letter to the Personnel Committee responding to concerns of eleven environmental organizations submitted to the Personnel Committee as a part of the Director's Job Performance evaluation last year.

⁴ For example, from the Director's Report in the Minutes of the December 14, 2018 Environmental Management Commission Meeting, available at <http://adem.alabama.gov/commission/minutes/12-14-18EMCMeetingFinalMinutes2-19-19.pdf>

of the proposed new unit of the landfill was incorrect. Rather than being sited over Floyd Shale, as indicated in the application material, the actual proposed landfill location would be sited over Bangor Limestone, which currently serves as the drinking water aquifer for the City of Trussville. ADEM's response to our comment was that "...although there are minor discrepancies in the maps provided in the application, the required five feet of separation from groundwater was shown to be achieved in all of the relevant information provided." ⁵

ADEM apparently made a decision to rely on the perpetual integrity of the landfill liner to protect the Trussville Utility customers whose only source of drinking water are the Utility's wells. ADEM apparently assumes the liner will be installed perfectly and will perform perfectly into the foreseeable future rather than exercising a modest degree of caution regarding the quality of the drinking water supply for Trussville Utility customers. Apparently, 'meeting the five foot requirement' of separation from groundwater was used to justify siting a landfill atop a drinking water aquifer. Satisfying a requirement to avoid groundwater contact is not sufficient to protect a drinking water supply.

Siting a landfill immediately atop a drinking water aquifer used by the Trussville Utilities is simply asking for trouble. This appears to be an example of applying a groundwater protection standard where a drinking water protection standard is more appropriate.

Concerns about this permit were expressed by local elected officials, state legislators, the Trussville Water Utility manager, environmental NGOs, and other members of the community. It appears that ADEM has determined that the potential risk to Trussville's drinking water source is less important than allowing the permittee to site the landfill where they prefer.

We have learned that ADEM's hydrologist did not review this permit prior to issuing the draft permit. This speaks to our point in the previous section of our comments that ADEM's resources are not sufficient to ensure adequate time and personnel for permit review. Either ADEM does not have adequate resources or it has a policy to allow siting of a landfill atop a drinking water aquifer. In either case, the Director has not assured adequate review of NPDES permits.

The Eastern Area Landfill is also an example where 'the metrics' cited by the Director⁶ do not capture the actual potential environmental risks associated with ADEM's willingness to issue permits that might put Alabamians at risk. We believe the Director has not created the proper climate for adequate environmental regulation and enforcement.

ADEM's enforcement policies do not deter violations

Using EPA's "Enforcement and Compliance History Online (ECHO)"⁷, we find that facilities currently discharging to Alabama's waters have been out of compliance statewide 8,992 times on a quarterly basis over the past three years (12 quarters). The Director has pointed out that ADEM administers around 35,000 permits. This means that in any given year, about 8.6% of all NPDES permitted facilities are out

⁵ See <http://app.adem.alabama.gov/eFile/Download.ashx?lib=Land&docid=004253335>, first page of the Response, paragraph 3.

⁶ For example, from the Director's Report in the Minutes of the December 14, 2018 Environmental Management Commission Meeting, available at <http://adem.alabama.gov/commission/minutes/12-14-18EMCMMeetingFinalMinutes2-19-19.pdf>

⁷ Available at <https://echo.epa.gov/>

of compliance⁸. While some of these violations are a 'failure to report' and so do not represent pollution events, this rate of non-compliance is not admirably low.

ADEM's eFile system shows that notices of non-compliance were sent to the operators of River Valley Ingredients facility on the following; June 2018, July 2018, August 2018, November 2018, May 2019, and June 2019. Then on June 6th, 2019, approximately 220,000 gallons from a treatment lagoon was accidentally pumped into Dave Young Spring, a tributary of the Mulberry Fork River.

Recent high-profile violations illustrate that ADEM's compliance enforcement policy does not achieve adequate deterrence or avoidance of violations. These high-profile non-compliance events emphasize that ADEM allows poor compliance to continue for too long. For both of these events, and for many other lower-profile situations that typically do not receive public attention, compliance with environmental regulations is not a priority for ADEM relative to protecting permittees from any economic repercussions of compliance enforcement that good corporate citizens should strive to achieve.

It is the ADEM Director's responsibility to create a culture of compliance regarding environmental regulation and enforcement. From the perspective of our organization, there are far too many examples of meetings attended and suggestions made that have been summarily ignored, too many cases where permittees wishes have been adopted to the detriment of the public, and too many examples of policy decisions that would strengthen the health and welfare of the public that have been ignored by ADEM⁹.

The cost to Alabama communities of allowing permittees to pollute is difficult to measure. However, the impacts of pollution are real and they harm Alabamians. The ADEM Director should create, support, and ensure funding of an agency that protects the interests of the general population and our natural resources and wildlife, as well as those of permittees.

The Director has documented the many occasions when he met with environmental advocates about our concerns and suggestions. While laudably open to hearing from us, the number of occasions when our concerns were addressed or our suggestions adopted are rare. When combined with the distrust that was engendered in the Director's management by the testimony out of *U.S. v. Gilbert*, which to this day colors my own perceptions about the Director's management, environmental interests have seen very few positive gains from our interactions with the Director. Maybe that is what the Alabama Environmental Commission desires in an ADEM Director, but I do hope that is not the case.

⁸ Calculated as follows:

$8,992 \text{ quarterly violations} / (35,000 \text{ permittees per year} \times 3 \text{ years}) = 8,992 / 105,000 = 0.0857 \text{ or about } 8.6\%$

⁹ A list of policies that could be adopted by ADEM which would improving environmental quality include the following:

- 1) Use 4C Categorization of Use Attainment to identify stream segments impaired by altered hydrology
- 2) ADEM should be clear to Municipalities that increased volume of stormwater runoff cause instream pollution
- 3) ADEM could use its 401 Water Quality Certification process to address the volume of stormwater runoff from proposed projects requiring a 404 permit
- 4) Fines for non-compliance should remove the economic incentive to ignore regulations (ADEM has a penalty policy that states this, but we do not believe fines generally achieve that goal)
- 5) ADEM should not intervene in citizen lawsuits and subsequently delay or fail to achieve compliance
- 6) The Director should actively work to rescind Alabama legislation that prohibits state environmental regulations from being more stringent than minimum federal requirements
- 7) The Director's opposition to reasonable improvement to notification requirements for sewage overflows

Thank you for your thoughtful consideration of these comments.

Sincerely,



Randall C. Haddock, PhD
Field Director
Cahaba River Society

Cc: Buddy Choat, Mayor, City of Trussville
Jef Freeman, Council President, City of Trussville
Mike Strength, General Manager, Trussville Water and Gas
Curt Chaffin, Policy Director, Alabama Rivers Alliance

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COMMISSION



City of **Montgomery**, Alabama

OFFICE OF THE MAYOR
Todd Strange, Mayor

Post Office Box 1111
Montgomery, Alabama
36101-1111

PH 334.625.2000
FX 334.625.2600

207

July 30, 2019

VIA HAND DELIVERY

Thomas Walters, Chair
AEMC Personnel Committee
**ALABAMA ENVIRONMENTAL
MANAGEMENT COMMISSION**
1400 Coliseum Blvd
Montgomery, AL 36110-2400

Dear Chairman Walters:

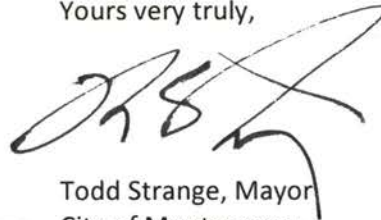
You requested feedback from the public on Director LeFleur's job performance and I, on behalf of the City of Montgomery, am delighted to do so.

Montgomery, in partnership with a number of public and private entities, has been working with ADEM with EPA's approval to mitigate and bring to an acceptable conclusion the "Capital Plume" matter. Discovered in 1993, monitoring and investigation of this site has been an ongoing process with several ADEM and EPA administrators with no real movement towards removing it from the Superfund National Priorities List. However, in an unprecedented step in 2015, EPA agreed to defer oversight of the Capital Plume response action to ADEM which was the first of its kind on a site specific basis within EPA's southeast regional office - Region 4.

Under Director LeFleur's leadership, our team has worked successfully with ADEM's staff to present a final solution to EPA to ensure the public's health and safety from the "Plume." Last Friday, we transmitted the final plan. We would not have been able to accomplish this without the help and personal assistance of the Director. On a number of occasions, at critical points, Director LeFleur would convene a joint work group to move the process forward. He was focused, firm but flexible in directing a seldom achieved, voluntary remediation and monitoring program which will remove this site in Montgomery from the proposed Superfund listing.

Thank you for this opportunity to express our appreciation for Director LeFleur's leadership and ADEM's great work under his direction. This is a "win/win" situation for all. ADEM can be proud of this success.

Yours very truly,



Todd Strange, Mayor
City of Montgomery



Thomas, Debi

From: Kurt Niland <kurtniland@gmail.com>
Sent: Tuesday, July 30, 2019 1:29 PM
To: Thomas, Debi
Subject: ADEM Director LeFleur's job performance

I am writing because I am concerned that ADEM Director Lance LeFleur's smug attitude and dismissive comments concerning the fish kill in north Alabama and the ongoing 3M pollution problems indicate that he simply doesn't care about the people he is supposed to serve or the responsibilities of his office. Unless, of course, his purpose is to guard corporate profits by allowing companies to pollute our state's waterways. Even Alabamians are becoming increasingly sick and tired of corporate greed and unaccountability taking precedence over human and environmental health. We deserve better leadership than what Mr. LeFleur has to offer and I urge the committee to appoint a more deserving and responsible candidate to ADEM's top job.

Thank you,
Kurt Niland

--

Kurt Niland
334-322-0868
kurtniland@gmail.com

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JUL 30 2019

ENV. MGMT.
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209

Friends of Shades Creek
401 Woodland Drive
Homewood, Alabama 35209

July 30, 2019

Alabama Environmental Management Commission
Attention: Personnel Committee
P.O. Box 301463
Montgomery, AL 36130-1463

Dear Personnel Committee,

As the leading group working to protect Shades Creek we appreciate your solicitation for opinions on the job performance of the current Director, Mr. Lance LeFleur, between Oct. 20, 2018 and July 31, 2019.

It is our strong belief that both locally and statewide Mr. LeFleur has fallen short of a satisfactory job performance. The recent disclosure of 3M Corporation's ongoing unpermitted chemical dumping in the Tennessee River as well as the Tyson Corporation's egregious neglect resulting in a massive Mulberry Fork fish kill are indicative of poor leadership at the top of the agency for whose actions you have a fiduciary responsibility. Locally in our backyard, Shades Creek continues to be burdened by excessive siltation and non-point source pollution too often associated with poor construction practices. Sadly these few well publicized examples are indicative of a lax enforcement culture which ultimately emanates from the poor leadership at the top of the agency. It's frightening to think about the pollution that is never publicly disclosed.

We strongly encourage you to replace Mr. LeFleur with a leader who can protect human health and safety and reestablish trust in ADEM. We recognize that replacing a leader requires more work from the AEMC, but we feel in this case the State and its citizens would be better off. If you fully trust ADEM yourself please send us a photo of you enjoying the river near the discharge pipes for 3M or Tyson.

Sincerely,

Friends of Shades Creek
401 Woodland Drive
Homewood, AL 35209



Thomas, Debi

From: Jay Masingill <jay.masingill@gmail.com>
Sent: Tuesday, July 30, 2019 6:18 PM
To: Thomas, Debi
Subject: ADEM Director Job Performance Evaluation

Thomas P. Walters, Chair; Kevin McKinstry, Member; and Ruby Perry, Member; of the AEMC Personnel Committee,

I have observed ADEM Director Lance Lefleur's (the Director) job performance since being appointed to the AEMC June 1, 2018. During my tenure on the Commission, I have found the Director to be very knowledgeable, experienced and a person possessing the necessary job skills to ensure that the State of Alabama continues to enjoy a safe, healthy and productive environment for the benefit of our citizens. The Director consistently makes sound decisions regarding environmental matters which are based in established law and regulatory requirements. The Director demonstrates a calm demeanor and pleasant personality in communicating and interacting with agency stakeholders which include environmental organizations, regulated industry, elected officials and the general public.

The Director's job performance should be based in large part on agency environmental performance metrics. The EPA publishes performance metrics that show how Alabama compares to national averages in virtually every environmental program area. Those metrics show that ADEM exceeds the national averages in virtually every area in every program. ADEM performs among the highest number of inspections resulting in among the lowest number of violations and serious violations in the nation. The performance metrics show that ADEM continues to widen the gap between the department's performance and national averages. Regarding drinking water quality standards, 98% of the drinking water systems consistently meet water quality standards today, as compared to 82% in 1982. Regarding EPA's list of impaired rivers and stream miles in Alabama, more than 70% have been removed from EPA's impaired list. Regarding remediation of contaminated soil and groundwater at hazardous waste, underground storage tank, and brownfield sites, the number of such sites has been reduced significantly. For example, military hazardous sites have been cleaned up twice as fast when under ADEM oversight versus EPA oversight. More than 11,000 of the 12,000 underground storage tank leak sites have been remediated. Nearly two-thirds of the old industrial brownfield sites have been remediated and put back into productive use. Regarding air quality since, in 2015 Alabama met all National Ambient Air Quality Standards for the first time since the Clean Air Act was enacted in 1970. Alabama has continued to meet those standards every year since 2015 with air contaminant emissions continuing to decrease.

The Director is charged with making sure that Alabama is an attractive location for industry to operate and new industry to locate creating a stable work force and creating new jobs for our citizens. Timely performance of critical functions such as permitting, which allows industry to efficiently conduct business, has in recent years been ranked number three nationally by potential new industry.

Under the leadership of the Director, ADEM maintains a spotless non-discrimination program despite having the program audited more than any program in the nation.

The Director demonstrates vision and creativity and is constantly seeking new approaches beyond what is required to make a difference in the lives of Alabama citizens. For example, ADEM provides the public with a dynamic state-of-the-art website containing timely, convenient and transparent information on 35,000 regulated facilities as well as numerous additional information, making ADEM's website among the best in the nation. ADEM provides permanent signage at public boat launches and marinas showing the public how to access that information. The agency often directs that penalties for violations payable to ADEM benefit communities impacted by those violations. ADEM, being one of the first in the nation, initiated programs to test for lead in drinking water of every public school, pre-K and daycare in Alabama. The agency initiated a program to train previously incarcerated individuals to fill a critical need for more certified plant operators for financially strapped waste water treatment systems.

In an era of limited government funding, the Director recognizes the need for ADEM to maximize efficiency, and, therefore, places great emphasis on providing stakeholders with a dynamic state-of-the-art website containing as much information as possible. The Director is committed to automation, providing stakeholders with the latest technologically advanced methods of e-filing and e-notification opportunities through ADEM's website. Greater automation allows the agency to operate at a high performance level with less personnel because of the reduced need for stakeholders to call or contact the agency in person.

Under the leadership of the Director, ADEM provides outreach opportunities for interaction with stakeholders. For example, ADEM seeks to establish credible relationships with stakeholders by scheduling face-to-face group meetings twice a year so that environmental groups and industry groups can discuss environmental matters of interest.

Through the leadership of the Director, ADEM has accomplished what is mentioned above and much more despite having the lowest per capita funding in the nation for years.

Sincerely,

John (Jay) H. Masingill, III
Member, Alabama Environmental Management Commission



OFFICE OF THE GOVERNOR

KAY IVEY
GOVERNOR



STATE OF ALABAMA

DEPARTMENT OF COMMERCE

GREG CANFIELD
SECRETARY OF COMMERCE

July 31, 2019

Alabama Environmental Management Commission
Attention: Personnel Committee
P.O. Box 301463
Montgomery, AL 36130-1463
Re: ADEM Director Job Performance Evaluation

Distinguished Committee:

I have served as Alabama's Secretary of Commerce for eight years and during that time have had numerous opportunities to work with ADEM and Lance LeFleur. Under his leadership, ADEM has played a pivotal role in the state's economic development efforts.

ADEM has had the distinction, unlike environmental regulatory agencies in some states, of being viewed by the private sector as a fair minded, but strict regulator. At the same time, they are viewed as being sensitive to the speed of business when issuing permits. I recognize that it is not easy for a regulatory agency who has seen its appropriations reduced significantly over the past 10 years operate with the level of efficiency that they have under Mr. LeFleur's leadership.

I have enjoyed working with Lance these past years and look forward to continued successful collaboration in the future. Thank you for allowing me an opportunity to provide feedback.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Canfield".

Greg Canfield

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JUL 31 2019

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COMMISSION

Thomas, Debi

From: J. David Robison <jdavidrobison@outlook.com>
Sent: Wednesday, July 31, 2019 11:30 AM
To: Thomas, Debi
Subject: LaFleur

To the Personnel Committee:

It is common knowledge that ADEM does not prioritize enforcement action. I can only lay that at the feet of Mr. LaFleur.

More importantly, the agency does not seem to actively work to comply with the Clean Water Act. Again, this is his responsibility.

I highly encourage you to review the number of impaired waters in the state and see how many of them have been assigned total maximum daily loads (TMDLs), the starting point for restoring water quality. I know of at least one, Calloway Creek in Elmore County, that have been impaired for many years yet have never been addressed as required. One can only wonder how many more of these there are.

Sincerely,

J. David Robison
Sent from [Mail](#) for Windows 10



213

Thomas, Debi

From: Black Belt Citizens Fighting for Health and Justice <bbcfhj.aj@gmail.com>
Sent: Wednesday, July 31, 2019 12:06 PM
To: Thomas, Debi
Cc: ADEM Director Lance LeFleur; Ben Eaton
Subject: ADEM Director Job Performance Evaluation

Subject: ADEM Director Job Performance Evaluation

We, Black Belt Citizens Fighting for Health and Justice, express dissatisfaction in the actions or lack there of at the Al Department of Environmental Management and its Director, Lance LeFleur. We do not feel all citizens of the State are assured a safe, healthful, and productive environment. We respectfully ask for the Director's immediate termination by the Alabama Environmental Management Commission and Governor Ivey.

--
Adam Johnston, Coordinator, [Black Belt Citizens](#) Fighting for Health and Justice, 205-847-0835



214



323 Adams Avenue • Montgomery, AL 36101-0966

Sent via email to: AEMC@adem.alabama.gov

July 30, 2019

Dear Chairman Walters,

The Alabama Chapter of the National Waste and Recycling Association would like to express to the Alabama Environmental Management Commission Personnel Committee our gratitude and support for the Alabama Department of Environmental Management Director, Lance LeFluer.

Director LeFluer has been prompt, courteous and very competent to work with during his tenure at the Alabama Department of Environmental Management, here in after (ADEM). As you know, the waste industry is very diverse and highly competitive. Director LeFluer has always been willing to meet and work with the waste industry at every level. His knowledge and leadership of the waste industry has provided the industry with the ability to safely and efficiently protect the citizens of Alabama. ADEM is fortunate to have a director who works with all industry leaders to protect the environment of this great state. The Alabama Chapter of the National Waste and Recycling Association supports Director LeFluer completely and his leadership of this very important agency.

Best,

Randy Lee
Chapter Chairman
Alabama Chapter of the National Waste and Recycling Association

cc: Kimberly H. Adams, P.C.

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JUL 31 2019

ENV. MGMT.
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Thomas, Debi

From: CREEKKEEPER <hccreekkeeper@gmail.com>
Sent: Wednesday, July 31, 2019 1:12 PM
To: Thomas, Debi
Subject: ADEM Director Performance Review comments

Please accept the following comments from John L. Wathen, Hurricane Creekkeeper concerning the review of Director Lance LeFleur.

Since he took over as director, the enforcement part of ADEMs responsibility has been all but ignored. Chronic and egregious violations of the CWA receive multiple "letters", which ADEM considers enforcement action. The letters seldom have any deterrent penalties attached and are given an arbitrary compliance timeline which often exceeds the length of time to actually make repairs. During these arbitrary grace periods, ADEM doesn't inspect the sites for compliance, which is a requirement. The polluters know that ADEM will not likely inspect again until the arbitrary time frame nears the end, so they make no effort to comply with either the consent order or the permit requirements. Case in point Advanced Disposal Landfill in Tuscaloosa Co. Land Permit # 63-16, NPDES ALG160090

This facility has remained out of compliance since 2013 that I can document. Everything from off-site tracking to improper BMPs, water quality violations, and failure to provide compaction and or cover weekly as described in the permit has been documented on a regular basis for several years. I have personally submitted hundreds of photos in dozens of complaints since 2012. The files are full. ADEM accepted the polluter's misinformed responses despite hard evidence of chronic violations. In a recent consent order where ADEM water division got involved there was finally a penalty issues in the amount of \$54,900.00. That may sound like a lot but given it covered several years of non-compliant behavior it comes to pennies on the dollar what it should be. The fines are mostly less than cost of business to comply. ADEM has never issued a maximum \$250,000 "maximum fine" in the Hurricane Creek watershed to my knowledge. ADEM can assess much larger penalty amounts if they file a lawsuit with an aim to truly set precedent and deter future violations.

Under LeFleur the inspections have gotten less and facilitated by less qualified inspectors. Inspectors routinely arrive at the above landfill facility and ride with the operator for guided tours and not independent inspections. I have read inspection reports that claim my hard photographic evidence doesn't exist. Flagging waste, deep rills, lack of cover, no proper haul road, erosion of all closed faces, and the smell emanating from the area. In one case, an inspector took photos of a failing BMP device stating that it was intact and the wood I had reported floating loosely in the pond was "holding the litter screen in place". This is an outright lie. The device had been reported years before as defective but this inspector fabricated information and falsified an official report. Either the inspectors are inadequately trained, lack initiative, or are far too cozy with the polluters on LeFleur's watch.

Another failure to protect under the LeFleur administration was Beacon Place ALR 10AU84, which operated from April 2016 to at least July 2018 in non-compliance. They had large excavations attached to the permitted site that was NOT under permit for more than 2 years. I notified ADEM inspectors of this but they decided to take the word of the polluter over hard evidence again. There were chronic offsite impact violations during the entire construction project. ADEM was informed that the permit map had been deviated from and none of the discharge points were as located properly. Entire drain systems drawn in the plans were nonexistent and others installed with no engineering modifications to the permit. Inspectors routinely accepted the false information given by the polluter rather than hard evidence and performing their own independent, thorough inspections as they are paid to do. There are many other projects and issues for which Mr. LeFleur and his "bare bones program" have caused. Lack of enforcement is the single largest cause of impaired streams in Alabama and Lance is the head of this impotent agency.

A train carrying Bakken Crude derailed just outside Aliceville Alabama on Nov. 8, 2013. On Dec.09, 2013, ADEM issued statements that did not spread because a beaver day held it back! This statement not only shows a complete ignorance of the environmental conditions created by beavers but a willful misinformation campaign to mislead the public. When questioned about it later Lance claimed the ongoing cleanup was successful in removing most of the oil. This was also completely fabricated since I had been

on the site almost weekly posting the lack of progress Lance claimed so successful. No maintenance had taken place until after the first media story broke.

One of the first things I noticed and documented was the railroad contractor using oil-saturated soil to rebuild the rail bed. Oil was weeping profusely from the rebuilt bed material. I took photos and video to ADEM in Montgomery to a meeting where Lance and Steve Jenkins, and several of my colleagues were both present. Steve was in charge of the so-called cleanup and response. When I presented the evidence to Lance Steve shouted me down saying I was overreacting, wrong and making it up. Lance took Steve's word and quickly announced the meeting was over before ever seeing all of the evidence. He did not want to see it because he would then have to admit being wrong. Like Mr. Trump, Lance has a hard time admitting he is wrong. The site of the train wreck still today weeps Bakken Crude oil from the sediment when disturbed.

Nothing at the Aliceville wreck site was properly handled by ADEM. None of the contaminated soil should have been allowed to go back in the swamp. Lance turned a blind eye to the damages created by the "repairs" to the railroad while oil flowed freely through the swamp.

This video and subsequent photos were taken and edited 03/02/14, 4 months after the wreck. Nothing here resembles ongoing oil removal as proclaimed by Lance LeFleur, ADEM Director, Dec.09, 2013...

<https://www.youtube.com/watch?v=w9mGMH4Rb3M&t=13s>

<https://www.youtube.com/watch?v=sk--u3zhXM&t=12s>

3 days later... <https://www.youtube.com/watch?v=iVKG1y4MPUY>

9 weeks out... <https://www.youtube.com/watch?v=d2EIgVJiWfc>

11 weeks out... <https://www.youtube.com/watch?v=VWC5I-D9aSc>

News stories...

<https://www.tuscaloosaneews.com/news/20140315/oil-mars-aliceville-swampland-months-after-train-derailment>

<https://www.facingsouth.org/2014/01/alabama-oil-train-disaster-met-with-official-negle.html>

The level of ADEM's involvement in the fiasco in North B'ham was and is disgraceful. Mr. LeFleur claimed no knowledge of the crimes some were indicted on but it was on his watch. I will let my colleagues from that area expand on the technical issues associated with that case.

175,000 dead fish in the Black Warrior River could have and should have been prevented. The company responsible had other "incidents" where they discharged toxic water into the river with no meaningful penalties or enforcement taken under LeFleur's "bare bones" lack of enforcement. When a company like Tyson or Advanced Disposal Landfill knows the state isn't going to take action, they will continue to pollute with reckless frequency. When asked by Cynthia Gould, ABC33/40 about the fish kill, LeFleur blew her off saying he wouldn't comment, he had to be fair with the polluter. What about being fair with our rivers and streams? How about being fair with our children's health around these rivers? How about ADEM doing it's job by enforcing the laws?

Mr. LeFleur is incapable of running an environment protection agency such as ADEM because; he himself seems not care about enforcement or understands the complexities of Alabama's environment. He has stated publicly that "ADEM's job is not to enforce the Clean Water Act, ADEM's job is to issue permits." I harshly disagree!

One of the major complaints coming from Lance is how under funded ADEM is but he has made no real efforts to change that. He was quoted, as saying that the state told him to run a "bare bones program" The state does not tell the director what to do. Even if they could, I don't think "bare bones" meant stop enforcement and simply issue permits that will not be upheld.

John L. Wathen,
Hurricane Creekkeeper
Friends of Hurricane Creek

Creekkeeper is a member of
Waterkeeper Alliance
www.waterkeeper.org

Who has the authority to say someone else
is not being a good steward of the environment?

Anyone who notices

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ADEM Director Job Performance

Lance R. LeFleur, ADEM Director

Lance is a leader in building a strong team spirit. All his actions are directed toward the success of ADEM. He exhibits a high degree of openness and objectivity to the views of others. He makes sure that the Commissioners are an important part of all planning in all upcoming meetings. Lance makes every effort to make himself accessible to the Commissioners, public and employees. He exhibits a high degree of confidence in himself as well as in others. He tolerates a great deal of pressure, and he quickly assumes a strong leadership role when action is needed.

Lance is a skillful, well-prepared presenter, and actively works to make meetings successful. He presents information and ideas clearly. To better understand others, Lance listens well, displaying interest and asking questions.

Mary J. Merritt

Member, Alabama Environmental Management Commission

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Thomas, Debi

From: J. David Robison <jdavidrobison@outlook.com>
Sent: Wednesday, July 31, 2019 2:39 PM
To: Thomas, Debi
Subject: LaFluer

I mean, check this out. [When is this going to happen?](#)

Region 4

Core Element of a State/Tribal Wetlands Program

	Monitoring & Assessment	Regulation	Voluntary Restoration & Protection	Water Quality Standards for Wetlands
Alabama Department of Environmental Management (PDF) (5 pp, 48 K, About PDF) (2011-2015) Contact: Lisa Huff (esh@adem.state.al.us) ph: 334-260-2752	X			
Florida Department of Environmental Protection (PDF) (17 pp, 529 K, About PDF) (2013-2016) Contact: Andrew May (andrew.may@dep.state.fl.us) ph: 850-245-8495	X	X	X	X
Georgia Environmental Protection Division (PDF) (11 pp, 85 K, About PDF) (2011-2016) Contact: Jennifer Welte (jennifer.welte@dnr.state.ga.us) ph: 404-675-1753	X	X	X	X
North Carolina Division of Water Quality (PDF) (22 pp, 524 K, About PDF) (2013-2017) Contact: Lori Montgomery (lori.montgomery@ncdenr.gov) ph: 919-807-6479	X			

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COMMISSION

WATERKEEPERS® Alabama
 c/o Black Warrior **RIVERKEEPER®**
 712 37th Street South
 Birmingham, AL 35222
 Phone: (205) 458-0095
 Fax: (205) 458-0094
cscibner@blackwarriorriver.org



July 31, 2019

Thomas P. Walters, Chair
 AEMC Personnel Committee
 Alabama Environmental Management Commission
 P. O. Box 301463
 Montgomery, AL 36130-1463

Re: Evaluation of Director Lance LeFleur

Via electronic mail only to aemc@adem.alabama.gov

Dear Chair Walters and Members of the AEMC Personnel Committee:

Thank you for the opportunity to provide feedback on Lance LeFleur's performance as the Director of the Alabama Department of Environmental Management (ADEM). While I am executive director of Black Warrior Riverkeeper, I am sending this letter as president of Waterkeepers Alabama, a new Regional Entity of Waterkeeper Alliance. Waterkeepers Alabama formed in 2018 to further connect and support eight Waterkeepers across Alabama: Black Warrior Riverkeeper, Cahaba Riverkeeper, Choctawhatchee Riverkeeper, Coosa Riverkeeper, Hurricane Creekkeeper, Little River Waterkeeper, Mobile Baykeeper, and Tennessee Riverkeeper.

Each of those eight independent nonprofit organizations may be submitting their own letter during this public comment process, focusing more on specific problems in each of their watersheds. As a team, however, we consider the state in its entirety – as does ADEM – and therefore decided to submit this letter through that broader lens. We compiled over a dozen “big picture” areas where ADEM is failing under Director LeFleur's lack of leadership, subsequently voting to present five of them for the sake of a more concise letter. Here are the priorities that we identified:

1. **Enforcement Inadequacy:** Director LeFleur seems to think a collaborative approach is the most effective way to deal with polluters violating the Clean Water Act in Alabama. This is a serious misstep, as friendly closed-door meetings do not send a strong regulatory message to polluters. The people of Alabama want ADEM to command the attention of polluters with an aggressive enforcement regime that actually deters future violations of the Clean Water Act and other environmental regulations. Instead, Director LeFleur would rather join hands with major polluters and either levy no fine or arrive at a mutually agreeable fine without a lawsuit. ADEM often cites an inability to fine polluters more than \$250,000. In actuality, ADEM can assess much larger penalty amounts if they file a lawsuit with an aim to truly set precedent and deter future violations, which is necessary to set a new environmental regulatory paradigm. In many cases, \$250,000 is far less than the economic benefit that polluters gain by skirting environmental laws, meaning it is in their financial interest to ignore the law and instead anticipate paying minimal fines levied by ADEM as a token cost of doing business. Such an

approach also essentially penalizes entities who invest in environmental procedures to follow the State's environmental laws and regulations. ADEM must stop this ineffective approach and begin to take meaningful legal action when it is warranted. An aggressive and effective enforcement program at ADEM could supply Alabama's ailing General Fund with hundreds of millions of dollars every year, and justify significant funding from the Legislature for ADEM, which has been chronically underfunded for decades.

2. **Lack of Transparency in Calculating Penalties:** Alabama law requires ADEM to consider six penalty factors in imposing environmental fines through Administrative Orders. ADEM has failed to clearly explain or support its consideration of the six factors when calculating penalties, and Director LeFleur has failed to provide necessary transparency and accountability in this regard. Without properly accounting for its calculations, ADEM not only fails the public, it also provides ample opportunity for polluters to challenge levied fines and overturn enforcement actions. This should be of grave concern to ADEM, the AEMC, and all Alabamians. For the sake of transparency, accountability, and effective enforcement, ADEM should make its penalty calculations clear and understandable for all who review an ADEM order
3. **Public Notification of Spills:** The public has a right to know when raw sewage, partially treated sewage, industrial wastewater, chemicals, and more are spilled or dumped into our rivers, streams, lakes, bays, and shorelines. However, loosely-constructed state guidelines mean that the public is often notified long after spills have been affecting our public resources, during which time swimmers, anglers, paddlers and others are in harm's way. ADEM's online email notification system does not account for spills other than sewage and does not reach a significant proportion of the public. Its emails are often sent days after major spills. In the last few years Director LeFleur has actively fought for the status quo even though that means putting Alabama citizens in harm's way. Instead of working with Waterkeepers Alabama and others across Alabama to implement updates to regulations which would require effective public notification of sewage spills, Director LeFleur sided with the misguided wastewater operators who opposed commonsense updates to regulations, even though many other operators supported the concept of improving notification. The new email notification system and signage at public boat launches are a step in the right direction, but fall far short of providing the majority of Alabamians with adequate and timely public notice. Without phone, text, social media, and more widespread signage, many people who use our waterways will never be notified. Alabamians expect far more proactive action on this subject from ADEM, as was shown during the poorly handled public notification during and after the recent Tyson wastewater spill and fish kill.
4. **Communications:** ADEM has a responsibility to provide transparent, timely information to the public. Unfortunately, under Director LeFleur ADEM acts as more of public affairs branch for industry. Director LeFleur needs to spend more time holding polluters accountable for repeated violations of state laws, and less time targeting reporters or public advocates who call out ADEM for their mistakes. Director LeFleur should be graciously accepting constructive public criticisms, a key role of public employees with leadership capabilities. He should be implementing effective public notification of public comment opportunities on regulations, permit decisions, and designated water use classifications. Additionally, when citizens file complaints about pollution incidents and fish kills, ADEM should follow up with those complaints in a prompt and transparent way. Meaningfully implementing a public notification program regarding spills and major incidents is ADEM's responsibility in the absence of clear delegation, which would provide permitted facilities with important guidance and enforceable accountability. When left up to permitted facilities without guidance and plans in place, public

notification routinely falls short. Director LeFleur must accept that ADEM cannot leave public notification up to polluters in such a haphazard way, and then expect the public and media to be happy with ADEM when it does not provide adequate or timely responses to questions. If proper notification is not provided by polluters, the public will naturally seek answers from ADEM. If ADEM is not going to provide guidance and clarity regarding public notification to polluters, then it must assume the responsibility of timely and effectively provide public notification itself.

5. **Alabama Power coal ash groundwater contamination:** Contaminants including arsenic, lithium, molybdenum and others are currently polluting the groundwater beneath coal ash ponds throughout the state of Alabama. This groundwater refreshes drinking water aquifers and provides base flow for rivers and streams. ADEM's recent "enforcement" action (fining utilities \$250,000 for each of their power plant's leaking coal ash ponds) for this pollution amounts to little more than an effort to protect Alabama Power and other utilities by preempting potential citizen suits. Rather than aggressively requiring utilities to halt and remediate their pollution, ADEM has allowed utilities like Alabama Power to select their own relaxed and self-serving method(s) of corrective action. Alabama Power's recent Corrective Action Plans have elected to cap coal ash ponds in place (in unlined, leaking pits next to rivers), and allow so-called "natural attenuation" to do the remediation for them over many decades. Director LeFleur's failure to hold these polluters meaningfully accountable on behalf of all Alabamians means that ADEM is protecting industry giants at the expense of public health and natural resources. Coal ash has been polluting Alabama's surface waters and groundwater for decades and it will continue to do so for many generations without effective leadership at ADEM. Other states, such as South Carolina, North Carolina, Georgia and Virginia, are requiring utilities use removal and dry storage to close their ash ponds near waterbodies. This approach removes the ash from areas where it will continue to move into ground and surface waters. We want to see Alabama follow the lead of nearby states to ensure the protection of public resources and public health from coal ash. Under Director LeFleur's direction, the State has allowed Alabama Power to take the least protective approach.

In short, Waterkeepers Alabama members are deeply concerned about the aforementioned weaknesses at ADEM, as well as many other problems we will describe in our eight organizations' separate comment letters. We acknowledge that most of ADEM's failures are systemic and political, transcending the impact of any one director. Still, responsibility for any agency's performance ultimately falls on its leader, as the AEMC clearly and correctly acknowledges by providing this public comment process.

We believe that Director LeFleur does not lead ADEM in a manner that will even inch it closer to fulfilling its stated mission, "to ensure for all citizens of the State a safe, healthful, and productive environment." Instead, ADEM consistently moves in the wrong direction, and is doing so under the wrong director. Thank you again for the chance to record our concerns for an agency that could and should be doing far more to protect Alabama's environment and people.

For Cleaner Water,



Charles Scribner
President
Waterkeepers Alabama

On behalf of Waterkeepers Alabama's eight member organizations in Alabama:

Black Warrior Riverkeeper
Nelson Brooke, Riverkeeper

Cahaba Riverkeeper
David Butler, Riverkeeper

Choctawhatchee Riverkeeper
Michael Mullen, Riverkeeper

Coosa Riverkeeper
Steven Dudley, Riverkeeper

Friends of Hurricane Creek
John Wathen, Creekkeeper

Little River Waterkeeper
William Shugart, Waterkeeper

Mobile Baykeeper
Casi Callaway, Baykeeper

Tennessee Riverkeeper
David Whiteside, Riverkeeper

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Comments on the Job Performance of ADEM Director, Lance LeFleur

Cahaba Riverkeeper

Myra Crawford, PhD, MPH, Executive Director
David Butler, JD, Riverkeeper and Staff Attorney

We thank you for the opportunity to comment on the job performance of ADEM Director Lance LeFleur, and we note that we have serious issues with his direction of the organization. We take the time to reiterate the primary concerns, comments also stated by many other environmental groups. Inasmuch as no matter what we environmentalists say or do nothing changes, we conclude that Mr. LeFleur is doing exactly what the business and political communities demand of him, and the public he is tasked to serve, for the most part, is ignored.

Regardless, a review of ADEM's actions reflect poorly on Mr. LeFleur's adherence to the mission of ADEM to keep Alabamians "safe and healthful." Actions that support this statement include, but are not limited to:

- Ignoring the admitted dumping of PFOS and other PFAS by Monsanto into the Tennessee River
- Not supporting the North Birmingham Superfund site and not urging the USEPA to list the site
- Allowing leaking and dangerous coal ash landfills to be capped rather than removed to a safe distance from Alabama's rivers and creeks.
- Failing to update Alabama's criteria and standards for toxics
- Failing to acknowledge climate change and educate legislators and the public about the dangers to Alabamians
- Being slow and lenient in the enforcement of permits that can cause increased siltation leading to flood damage and damage to the aquatic inhabitants of our rivers and creeks.

Cahaba Riverkeeper believes that Mr. LeFleur is not directing ADEM in a manner that meets the mission statement of the Department and should be dismissed.

Sincerely yours,



Myra Crawford, PhD, MPH
Executive Director
Cahaba Riverkeeper

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AEMC Personnel Committee
Submitted electronically to:
aemc@adem.alabama.gov

July 31, 2019

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To AEMC Personnel Committee,

The following comments are submitted by Coosa Riverkeeper, Inc. on behalf of our 600+ dues-paying members and the general public who support our mission to protect, restore, and promote the Coosa River. We patrol the waters, educate the public, and advocate on behalf of the river. These comments are for consideration regarding the Alabama Environmental Management Commission (AEMC) Personnel Committee's Notice of ADEM Director Job Performance Evaluation dated the June 24, 2019.

Coosa Riverkeeper believes that Director Lance LeFleur fails to lead the Department to achieve their mission "to assure for all citizens of the State a safe, healthful and productive environment." The following are a few examples of how the Director fails to uphold the Department's mission:

- Poor Compliance Enforcement
- Ineffective Enforcement Action of Coal Ash Discharges
- Construction Stormwater Enforcement & Violations

POOR COMPLIANCE ENFORCEMENT

Our first criticism stems from the Director's failure to lead the Department to implement effective enforcement action that assures that permittees comply with current state and federal environmental laws. When a compliance failure does occur, the Director needs to lead the Department to implement enforcement action that will ensure that the facility will comply with their permit in perpetuity rather than issuing minimal fines (or simply doing nothing at all). **The Department consistently fails to enforce commensurate action with the severity and frequency of permit violations across the state.**

Coosa Riverkeeper conducts a file review quarterly of all of the active water related permits within the middle and lower Coosa River Basin. We compile a list of facilities that self-report quarters of significant noncompliance, most of which show that they are repeat and/or persistent offenders. **Our most recent file review showed that 67% of facilities that self-report violations have more than just one quarter of significant non-compliance. Since 2015, only 15% percent of facilities that were listed as having at least one quarter of significant noncompliance had any kind of formal enforcement action.**

These numbers show a huge disparity between the amount of violations that occur and a significant lack of formal enforcement action. Without proper enforcement action, permitted polluters across the state will continue to exceed their permit allowances.

INEFFECTIVE ENFORCEMENT ACTION OF COAL ASH DISCHARGES

Monitoring wells at both Alabama Power's Gadsden Steam Plant on Lake Neely Henry and Gaston Steam Plant on Lay Lake indicate that these facilities are in violation of discharging arsenic and radium into groundwater. The monitoring results showed that the Gadsden Steam Plant coal ash pond discharged arsenic at 10,000% above the national limit and that the Gaston Steam Plant coal ash pond discharged radium, molybdenum, lithium, and arsenic above the national limit. Both facilities received the maximum fine of \$250,000 which is only 0.03% of Alabama Power's profits for 2017. **The "maximum fine" levied against Alabama Power is not commensurate to the severity of the violation and threat to wildlife, public health, and the local economy.**

Additionally, Alabama Power will continue to operate out of compliance because of the asinine maximum fine limit. The point of levying fines is to persuade the violator to promptly return to compliance. **Having an arbitrary maximum fine in place inhibits the Department's ability to implement effective deterrence of permittees operating out of compliance, and so it is imperative that the Director take the lead in removing this cap.** Both facilities will continue to discharge dangerous amount of toxins into groundwater without appropriate enforcement action.

The coal ash ponds located on the Coosa are just two examples of how permit holders continue to operate out of compliance. There are many other facilities where permittees continue to violate the conditions of their permit and continue to negatively impact water quality of the Coosa and her tributaries. **The lack of enforcement is not only limited to large operations like Alabama Power, but to other operations across the state.** This especially applies to construction stormwater permits in the Coosa River Basin.

CONSTRUCTION STORMWATER ENFORCEMENT & VIOLATIONS

Coosa Riverkeeper has fielded numerous complaints about construction stormwater runoff that has damaged private citizen's property and muddied the creeks, streams, rivers, etc. that they swim and fish in. One such example was a series of complaints by residents of Fowler Lake who were concerned about the excessive sediment flowing into their lake due the construction related activities from the Village of Highland Lakes development (Permit ALR108425). In the last five years, the **Department has inspected the site 12 times and has found violations of the permit 92% of the time.** The Department issued one warning letter, three notices of violation, and threatened a Consent Order after a failure to come into compliance after a Notice of Violation. **Despite these actions implemented by the Department, excessive sediment continued to muddy Fowler Lake. It was not until Coosa Riverkeeper submitted a Notice of Intent to Sue to the permittee that effective change actually occurred.**

While Coosa Riverkeeper is pleased to see significant improvements of construction stormwater management implemented by the permittee, **we are not pleased with the fact that it took significant effort on the part Coosa Riverkeeper, the Southern Environmental Law Center, and the residents of Fowler Lake to make effective change.** The lack of meaningful enforcement by the Department required time and resources of Alabama citizens to ensure compliance of the permit, something that should have already been done by the Department.

CONCLUSION

The Director's inability to lead the Department to properly implement enforcement action on permittees shows the citizens of the state of Alabama that he consistently fails to uphold the Department's mission. This has led to general mistrust among the citizens of Alabama

of the Departments's willingness and ability to enforce environmental regulation. The Director's cavalier attitude towards the severity of significant environmental pollution such as the recent the Tyson Foods fish kill, certainly does not help with public trust. **We ask that the AEMC Personnel Committee demand that the Director take greater initiative in leading the Department to properly enforce environmental regulation not only within the Coosa Valley but across the entire state of Alabama.**

For the Coosa,



Justin Overton
Executive Director



Steven Dudley
Staff Riverkeeper



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Birmingham, Alabama 35242
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www.coosariver.org



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July 31, 2019

Commissioner Thomas P. Walters,
Chair, AEMC Personnel Committee
P.O. Box 301463
Montgomery, AL 36130-1463

RE: ADEM Director Job Performance Review

AEMC Personnel Committee Members,

On behalf of the Alabama Coal Association (ACA), I am providing the following comments regarding ADEM Director Lance LeFleur's in response job performance from October 2018- June 2019.

ADEM's mission is to assure for all citizens of the State a safe, healthful, and productive environment. This mission is accomplished through the enforcement of federal environmental laws and regulations for which this authority has been delegated to ADEM, the enforcement of state environmental laws, and the promulgation and enforcement of its regulations. Sound scientific data and objective facts must be the foundation of effective environmental regulation and enforcement.

In the mining industry, safety and environmental compliance are paramount. If a mining company fails to comply with a permit issued by ADEM, it risks losing its mining permits issued by the Alabama Surface Mining Commission and their federal counterpart. The environmental professionals employed by our members are experts at complying with strict environmental permit limits as long as the permit parameters are based on sound science and technically feasible standards. To that end, we are appreciative that Director LeFleur is committed to making permit decisions based on objective facts and data and is undeterred by shifting political winds, even in the face of unwarranted but highly publicized criticism.

The objective metrics show that ADEM is performing its responsibilities effectively and efficiently. Director LeFleur's steady leadership has allowed ADEM to continue performing its mission effectively in spite of severe budget cuts triggered by the Great Recession. All state agencies lost considerable funding during this same period, but ADEM was one of the few agencies that endured this difficult period without cutting essential services or reducing performance.

As soon as the state's General Fund budget began to show signs of improvement, Director LeFleur began investing considerable effort into increasing the funding allocated to ADEM. As a result of his leadership over the past year, ADEM received a \$3.5 million increase in state funding for FY2020. This is a major accomplishment. In his request to the legislature, Director LeFleur cited the emerging PFOA/ PFOS issue as a future expense for which ADEM will need additional funding. Ironically, recent inaccurate news reporting on this issue suggests that ADEM is not meeting its obligation on this matter, when in fact, Director LeFleur is preparing to implement future PFOA/ PFOS regulations, which have not yet even been established by EPA.



Dan Bayse, President
 Magnolia Place Homeowners Association, Inc.
 2700 Highway 280, Suite 425
 Birmingham, AL 35223
 (205) 290-6890 - (Personal Cell)
 danielbayse1@centurytel.net

Alabama Department of Environmental Management
 Personnel Committee
 P. O. Box 301463
 Montgomery, AL 36130

Sent via email

July 31, 2019

To the Personnel Committee:

I don't know why I'm writing this because, like all the times before, your mind was made up and the report probably already written as I write this. However, it is the opinion of this HOA and many of the 173 Homeowners in it that Lance LeFleur directs an agency that is more interested in protecting the City of Birmingham than it is doing fair enforcement to its enforcement of violations, especially at their landfills.

First, a problem that spans into this time period and is a serious violation of "transparency." I wrote the Director a letter to him personally on June 9, 2018 outlining extremely serious lies that Birmingham had told ADEM, and things in their latest Consent Decree at the Eastern Landfill (Master ID 1775). The letter was signed for by "C Smith" on June 11, 2018. I have yet to receive a reply and the letter is not even available on eFile.

As ADEM knows, the MPHOA is involved in litigation asking Birmingham to take the dirt back that they allowed to illegally flow from the Eastern Landfill into our Detention Pond. We filed a "Freedom of Information Request" on June 6, 2019 and received a DVD completely filled with things found on your electronic files, many of which were not on the eFile system. Since the disk was completely full, I suspect that there were many more things on your files than we received. WE RECEIVED NONE OF THE EMAILS WE REQUESTED! This isn't the first time we've sent critical information to ADEM or asked for information that we either haven't received anything, or what we received left enough of the truth out to lead us to a wrong conclusion? Isn't the Director allowing things like that to happen a willful violation of the Freedom of Information Act? **Shouldn't that be grounds for termination for dereliction of duty and even legal action?** This appears to be his SOP.

Although this happened in 2017, and even though we asked at the time, since we just discovered the truth through the FOIA request, and ADEM hid the critical information from us, it should be included in this evaluation.

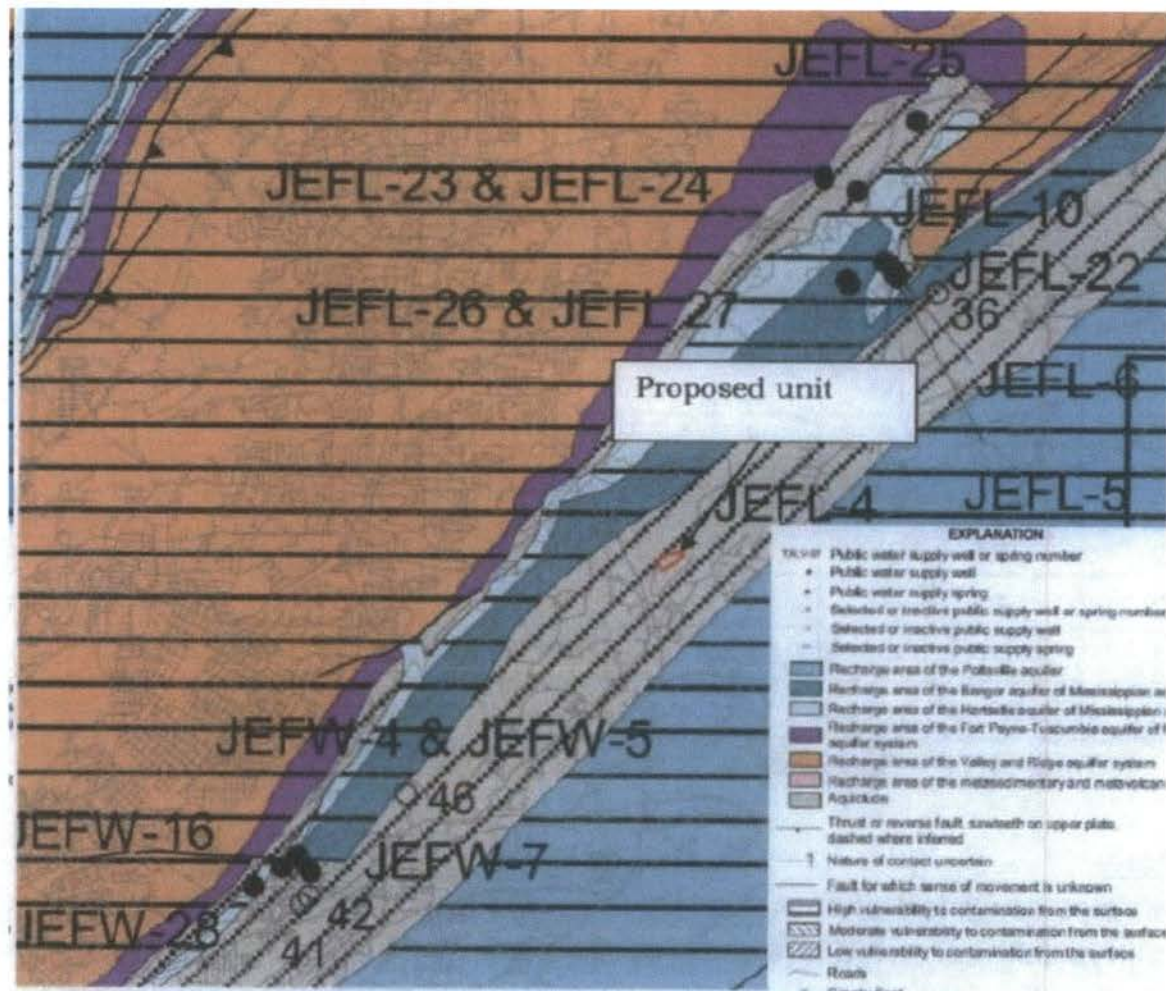


What I just learned was that in the two years between the time I hand delivered our first water complaint to ADEM and it's first action, that ADEM was actually working behind the scenes negotiating the Consent Decree and that building this berm was part of those secret negotiations. This fact was hidden from us even when I delivered the photographs of it after we accidentally discovered it January 2016. **Some might**

call that corruption in helping the violator correct the violation before their "official inspection" so the penalty wouldn't be so much, AND to help Birmingham perpetuate the LIE that they NEVER put any silt in our pond. We have other examples of this that indicate that this is a pattern for this Director.



The biggest fiasco was the way the issuance for the new permit for the new cell inside Birmingham's property was handled.



It sets directly above the aquifer that supplies ours and ALL of the water that surrounds our community and all of Trussville and several other communities. Yet, you gave an almost rubber stamp approval to a City that has lied to you (but the Director NEVER authorizes people being changed with making false statements), received multiple violations spanning 10 years of landfill violations, including two consent decrees, and refuses to accept responsibility when things go wrong, build the cell "because they promised to do it right." To me that's criminal and makes ADEM complicit when one of the sink holes the area is known for opens up under it.

Is this the kind of Director that you want.

Respectfully,

Daniel J. Bayse, President MPHQA



Daniel J. Bayse, President
Magnolia Place Homeowners Association, Inc.
2700 Highway 280, Suite 425
Birmingham, AL 35223

June 4, 2019

ADEM Public Records Office
P. O. Box 301463
Montgomery AL 36130-1463

Sent via Priority Mail Signature Required
And via email

RE: Birmingham Eastern Area Landfill,

Permit Number; 37-12
NPDES Permit; AL0055247
Master ID: 1775

To Whom It May Concern:

Under the Alabama Open Records Law § 36-12-40 et seq., we are requesting that ADEM furnish us with **CERTIFIED COPIES ON CD or DVD** of the following public records for us to use in the Jefferson County AL Circuit Court during our lawsuit against the City Of Birmingham (COB) concerning this Landfill:

1. All emails between all ADEM and the COB (including their contractors and subcontractors) concerning **any issue**, especially complaints, design issues, complaints, complaint compliance, permitting issues or negotiations about permitting and/or complaints from 01/01/2012 to the present date.
2. All emails between the COB (including their Contractors and Subcontractors) and ADEM and the COB concerning any issue, especially complaints, design issues, complaints, complaint compliance, permitting issues or negotiations about permitting and/or complaints from 01/01/2012 to the present date.
3. Copies of all Warnings, Consent Decrees, Inspections, and Correspondence from ADEM from 01/01/2012 and the present date.
4. Copies of all Correspondence received from Governmental, City, organizations, or private citizens about this landfill from 02/10/2012 and the present date; and, ADEM's response to these inquiries. This would include all complaints received.
5. Copies of all permits issued to this Landfill from 01/01/2012 and the present date, and, the background correspondence and negotiations leading up to the issuance of these permits.
6. Copies of Storm Water Runoff reports and other water issues concerning this landfill between 01/01/2012 and the present time from any source.
7. Site maps showing the Landfill's elevations and exact locations of the storm water reporting points (DSN) in use from 01/01/2012 to the present time around the landfill. **ESPECIALLY ANY CHANGES IN PICKUP POINT FOR DSN003 BETWEEN 2005 AND TODAY!**

Page 2

I understand that the cost of making this information available on CD / DVD is \$15.00. If there are any other fees for searching or copying the records, please inform me if the cost will exceed \$100.

However, we would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's and the Court's understanding of the Landfill's violations of Public Laws and Policies in ADEM's files. Please invoice us for any charges.

Magnolia Place HOA, Inc. is a non-profit organization. This information is not being sought for commercial purposes but solely to help us prepare our Jefferson County Circuit Court presentation.

The statute requires a response in a reasonable time period. **We need these CERTIFIED items by July 8, 2019 so we can search for the information we need for use in court.** If access to the records we are requesting will take longer, please contact us with information about when we may expect the copies of the requested records.

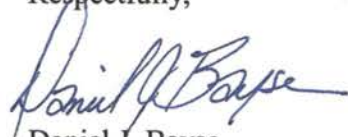
Our Contact Information is:

Daniel J. Bayse, President:	(205) 290-6890 (Primary)
Tanya Clark, Manager:	(205) 877-9480

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Respectfully,



Daniel J. Bayse
President MPH OA
[205] 290-6890



Alabama Rivers Alliance
Water Is Life

Alabama Environmental Management Commission
July 31, 2019

RE: ADEM Director Performance Review

Dear Environmental Management Commission Personnel Committee,

Thank you for allowing Alabama Rivers Alliance to comment on the performance review of Director Lance LeFleur. Alabama Rivers Alliance is a statewide nonprofit organization advocating for better water protection policy in the State of Alabama. As the head of the Department of Environmental Management (ADEM), Director LeFleur plays a central role in the State's environmental and water protection policy. Specifically, it is his job to implement the state and federal environmental laws that protect the rivers of Alabama, regulate pollution, and safeguard public health and safety. While he may be limited in his control over polluters and agency staff, he is ultimately responsible for protecting our water more than any person in the State of Alabama. We hope these comments will help you evaluate Director LeFleur's job performance, as well as indicate ways that the agency and the director of the agency should improve.

Under Director LeFleur's leadership in the past year, the agency has (1) failed to properly deter water violations and environmental degradation, (2) received significant criticism that indicates low public trust and confidence, and (3) decreased collaboration and openness. Each of these areas is essential for successfully running the agency, as they indicate ADEM's ability to preserve the environment and protect public wellbeing.

Criteria

When the EMC published its request for public comments, it did not include criteria for evaluating Director LeFleur's performance or describe how the Personnel Committee will conduct the review. We will attempt to evaluate the Director's performance in light of his statutory duties as head of ADEM. In lieu of additional criteria, we recommend that you adopt similar standards by which to judge the Director's leadership.

Under Alabama law, ADEM's purpose is "to respond in an efficient, comprehensive and coordinated manner to environmental problems, and thereby assure for all citizens of the state a safe, healthful and productive environment." As director of ADEM, Director LeFleur is responsible for advancing the agency's duties, which include (1) providing for timely resolution of permitting actions, (2) improving services to the citizens of the state, (3) protecting human health and safety, and (4) insuring that government is responsive to the needs of the people and

sufficiently flexible to meet changing conditions. Alabama Rivers Alliance believes the director can improve the agency to better achieve its objectives of responding to environmental problems and protecting human health and safety. The EMC is responsible for both evaluating the director and providing feedback; please consider these points when working with the director and overseeing the agency.

Moving forward, we strongly recommend the creation of a standard by which to conduct performance reviews like this one. Clearly enumerated criteria would allow citizens and nongovernmental organization to more helpfully assist your evaluation. We understand those criteria may be difficult to create, so we would be happy to provide my perspective and recommendations—just as many other environmental groups are also willing.

Enforcement practices and deterrence

Under the leadership of Director LeFleur, the agency has failed to properly respond to violations, bring enforcement actions, and deter water violations. ADEM is responsible for administering the Clean Water Act in Alabama, which includes management of the National Pollution Discharge Elimination System in the state, creating maximum contamination standards in water bodies, and improving the existing impairments on Alabama's rivers. As you know, the ultimate goal of these statutory duties is to make all navigable waters fishable and swimmable and to eliminate pollution.¹

Part of ADEM's duty is to create permits and work with facilities that discharge pollutants. An equally important responsibility is bringing enforcement proceedings for permit violations. Enforcement is necessary to deter violations, remedy harm, and recoup agency administrative costs. ADEM's enforcement numbers are far too low to properly limit spills and achieve the goals of the Clean Water Act. It should be noted that low enforcement rates are somewhat dictated by staff availability and agency budget. Still, the enforcement rate is also thanks to agency practices, case-by-case decisions, and a commitment to "alternative compliance." Specifically, the agency's standard operating procedure is to avoid official enforcement—which includes fines, penalties, and remediation—in favor of notices of violation and agency correspondence in most instances—which are non-adjudicative and offer no ability to compel improvements or proffer monetary fines.

This system has failed the people of Alabama on several occasions, leading to additional violations and a lack of accountability and remediation. A failure to properly enforce permits and legal standards inevitably creates an agency that is "weak on crime" and fails to properly deter polluters. Again, the director of the agency ultimately decides the philosophical approach of the agency and is responsible when it fails to achieve results.

¹ Clean Water Act, 33 U.S.C. §1251 et seq. (2018).

To properly evaluate the agency's enforcement practices, it is important to look at relevant data. According to the official EPA data, ADEM's inspection rate, enforcement action rate, and total penalties have all been substandard. The table below shows some of the basic enforcement statistics for ADEM's handling of water violations.²

Number of Facilities	Facilities w/ Significant Violations (3 yr)	Facilities w/ Current Violations	Facilities w/ violations (3 yr)	Facilities w/ inspections (5 yr)	Facilities w/ Formal Enforcement Actions (5 yr)	Facilities w/ Informal Enforcement Actions (5 yr)	Total Penalties (5 yr)
9509	661	1049	2039	5525	180	2018	\$2,641,450

This table shows the story of ADEM's approach to water pollution and permit violations. The data is slightly off, as different variables are reported on different intervals. Still, these numbers show that ADEM struggles with inspections, bringing enforcement actions, and levying penalties. These numbers are also directly related to ADEM's ability to control pollution and push polluters to compliance.

ADEM has inspected just over half of all facilities in the past five years. Inspections are the first step in compliance and recognizing potential violations. Regardless of normal averages, staff availability, or funding level, that number cannot reasonably be expected to stop violations and discharges. Additionally, the agency has seldom responded to facility violations with formal enforcement actions. The number of facilities with some type of formal enforcement action is only about 8% of the total number of facilities with a violation—a number likely to be much lower considering the 3-year versus 5-year reporting trends. Finally, with constant violations and major environmental and water disasters over the last 5 years, \$2.6 million dollars of penalties is a paltry sum. When looking at the total number of violations and significant violations, that number is incredibly low. The 180 actions that the agency has brought have yielded about \$15,000 on average.

With the low enforcement rates and very low average penalties, there is little to no incentive for polluters to curtail spills and make improvements. Being soft on crime has never been a tenet of Alabama's criminal justice system, yet the agency's enforcement history leaves a lot to be desired. Polluted water has hurt Alabama tax payers to the tune of drinking water treatment, ecotourism and recreation, and industry profits dependent on clean water. The high recidivism rate for water violations indicates that polluters are not properly internalizing the costs of their actions.

Maybe statistics like these, as well as headlines and public perceptions are too vague and wish-washy to show the connection between weak enforcement and increased pollution. So, let's

² Environmental Protection Agency, Enforcement and Compliance History, Alabama Water Violations (<https://echo.epa.gov/facilities/facility-search/results>) [Full table also available by further request].

get concrete. Looking at the inadequate response and lack of enforcement to recent pollution on the Mulberry Fork of the Black Warrior River, the proof appears to be in the pudding.

The Tyson Foods spill on the Mulberry Fork was possibly the most harmful environmental disaster of the past year. Many commentators have been critical of the agency and Director LeFleur for their actions after the spill. While “due process” is central to the justice system, public safety also necessitates timely response and remediation. Moreover, the vast amount of ecological harm has yet to be dealt with by the agency.

Still, the agency’s action before the spill are perhaps more important than the actions after the spill. The Tyson-owned River Valley Ingredients facility received several “informal enforcement” actions leading up to the spill. ADEM’s eFile system shows that notices of non-compliance were sent to the operators of River Valley Ingredients facility on the following; June 2018, July 2018, August 2018, November 2018, May 2019, and June 2019. Then on June 6th, 2019, approximately 220,000 gallons from a treatment lagoon was accidentally pumped into Dave Young Spring, a tributary of the Mulberry Fork River.

So, the agency knew the facility was out of compliance. There was reason to suspect additional violations, possibly in the form of a major pollution discharge. What was the response? To send a letter of noncompliance pleading with the facility to make improvements. A sternly written letter clearly was not enough to convince the facility to stop its violation, as the agency had to send a similar letter month after month. All of this culminated with a year’s worth of proof that the facility was violating the permit—with little more than correspondence letters and unsolved problems to show from it. Then disaster struck, as hundreds of gallons of pollution flowed into the Mulberry Fork. With this clear lack of enforcement, the agency is at least partially responsible for the ensuing spill and disastrous fish kill.

While this story is a clear example of failing to prosecute the crimes of the facility, it also shows how ineffective the agency’s enforcement policy is. It shows how the state’s inaction breeds noncompliance and eventually results in environmental harm.

Is this Director LeFleur’s entire fault? No. Many things had to happen for one of the state’s worst fish kills on record to occur. The approach of his agency, specifically the lack of proper enforcement, arguably contributed to the spill. Again, we are sympathetic to the habitually underfunded and overworked agency.³ But should the director get a pass? Again, the answer is no. When the stakes are as high as human health and safety, results are what matters. Plain and simple, there is a clear lack of enforcement and deterrence when it comes to water violations and pollution. That practice resulted in countless people and wildlife species being put in harm’s way.

³ However, the agency recoups administrative costs for formal enforcement actions as a part of the penalty or fee, so this argument holds less weight.

Public perception and confidence

Other public comments in this docket have described the public's distrust of ADEM and low confidence in Director LeFleur. Considering that feedback, it is evident this sentiment is the prevailing conception for a vast majority of Alabamians. Looking at the headlines, it appears the public has every reason to be skeptical of the agency's ability to reduce pollution and deter violations. Perhaps the director is correct when he says that media coverage and public perception are wrong. Perhaps every time the agency comes under fire, things are actually fine. Perhaps the agency is doing everything that it can. Even if these public opinions are wrong, they are still hyper relevant for determining the director's performance.

Again, we urge you to conduct this evaluation in line with ADEM's statutory directives:

The Legislature finds the resources of the state must be managed in a manner compatible with the environment, and the health and welfare of the citizens of the state. To respond to the needs of its environment and citizens, the state must have a comprehensive and coordinated program of environmental management. It is therefore the intent of the Legislature to improve the ability of the state to respond in an efficient, comprehensive and coordinated manner to environmental problems, and thereby assure for all citizens of the state a safe, healthful and productive environment.⁴

A chief duty of the agency is to "to respond in an efficient, comprehensive and coordinated manner to environmental problems, and thereby assure for all citizens of the state a safe, healthful and productive environment." Listening and interacting with members of the public is an obvious component of responding to problems and satisfying the needs of Alabama citizens. If the public disapproves of the director's performance or distrusts the agency, ADEM cannot possibly improve services to citizens or respond to their needs.

Public confidence should be a primary consideration when evaluating any public figure, especially one tasked with protecting human health. As such, we urge you to consider the totality of the public comments in this docket, paying close attention to prevailing beliefs and general public trust of the director and the agency.

Work with environmental organizations

As an organization dedicated to protecting Alabama's 132,000 miles of rivers and streams, Alabama Rivers Alliance invariably works with ADEM, the state agency responsible for water quality of the state's navigable waters. The EMC has previously indicated that the ADEM director is responsible for "balancing the interests" of environmentalists and industry. It should be pointed out that under the law—both Alabama statutes and federal laws like the Clean Water

⁴ Code of Alabama §22-22A-2.

Act—the agency’s primary objective is to respond to environmental problems and limit pollution. Still, we appreciate that any public job has competing interests and inherent tension. Unfortunately, Director LeFleur has shown no willingness to work with environmentalists in the past year.

Recently the director spoke to the media and seemingly insinuated that environmental organizations criticize him and the agency for personal gain: "Contributions are increased when there is a high-profile situation."⁵ Additionally, he has made similar comments at public speaking engagements and in responses to his 2018 performance review. As an environmental organization, it is hard to believe the director is still acting in good faith.

Let me be clear, we are not offering this information to complain about the director or advance some public feud; rather it is important context for his job performance. He has repeatedly criticized environmental organizations and attempted to discredit and ignore their arguments. That is not balanced. That is not open. And that is not a willingness to work with environmentalists to solve real environmental issues. Again, whether his adversarial approach is warranted or not is somewhat irrelevant. If part of his job is to work with public interest groups and “balance competing interests,” he has clearly failed.

Furthermore, in the past year, the agency has ceased its semi-annual roundtable meetings with environmental groups. This decision was unfortunate, as the meetings allowed the environmental community to speak with Director LeFleur and his staff. We strongly recommend the re-establishment of this practice, as we believe it would benefit all parties—and more importantly the natural resources of Alabama.

Conclusion

Alabama Rivers Alliance believes the Director LeFleur’s leadership of ADEM can and should improve in multiple ways. Please consider these comments when evaluating his performance and providing feedback regarding the operations of the agency.

Sincerely,

Curt Chaffin

Policy Director

Alabama Rivers Alliance

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⁵ Mary Sell, Alabama Daily News, “ADEM head defends agency, rips media” (July 30, 2019), https://www.timesdaily.com/news/state/adem-head-defends-agency-rips-media/article_06f3e002-1fcc-5b10-b60a-22cdd3169706.html

Black Warrior RIVERKEEPER®
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July 31, 2019

Thomas P. Walters, Chair
 AEMC Personnel Committee
 Alabama Environmental Management Commission
 P. O. Box 301463
 Montgomery, AL 36130-1463

Re: Evaluation of Director Lance LeFleur

Via electronic mail only to aemc@adem.alabama.gov

Dear Chair Walters and Members of the AEMC Personnel Committee:

Please consider these comments as part of your evaluation of the performance of Alabama Department of Environmental Management (ADEM) Director Lance LeFleur. We write on behalf of Black Warrior Riverkeeper ("Riverkeeper"), a nonprofit organization dedicated to protecting and restoring the Black Warrior River and its tributaries.

Last year, in the wake of sworn testimony in the public corruption case of *U.S. v. Gilbert, et al.*, No. 2:17-cr-00419-AKK-TMP (N. D. Ala. 2018), we joined other members of the public in calling for new leadership at ADEM. That call was rejected by the Environmental Management Commission (AEMC). A year later, we renew our request for new leadership at ADEM for the following reasons:

- Director LeFleur's testimony during the criminal trials of David Roberson and Joel Gilbert in July 2018 illustrates the enormous access and influence that polluters enjoy at ADEM. Instead of joining forces with EPA, the Director made a series of poor decisions due to outside pressure from polluters and their political allies --- shortchanging the citizens of North Birmingham whom he had a duty to protect.
- This influence by many (not all) industries and their political allies translates into weak pollution control permits and enforcement that put Alabama's citizens and natural resources at risk.
- Director LeFleur has failed to create a culture of compliance for the State that ensures the proper regulation of polluters, e.g., failure to limit toxic pollutants in discharges from coal ash ponds throughout the state, including Alabama Power's three power plants along the Black Warrior River; Birmingham's Metaplate Galvanizing's pollution permits, which fail to put

limits on toxic zinc discharges from two zinc galvanizing facilities that discharge zinc to a waterbody impaired for zinc in one of Birmingham's poorest communities; and ADEM-sanctioned weekly discharges of improperly treated sewage from Uniontown's failing wastewater treatment system to the community (which should be treated as illegal, unpermitted discharges under the Clean Water Act), are but three examples of many in our watershed.

- Director LeFleur failed to take steps to protect the public during crisis; the recent Tyson Mulberry Fork wastewater spill and fishkill is a prime example. ADEM did not perform (or require Tyson to perform) adequate testing to help the public make decisions about where and when it was safe to recreate nor did the Department provide their sampling data in a transparent and timely manner.
- Director LeFleur has failed to take steps to adequately protect the public through better policy and regulation. For example, environmental groups asked ADEM and the EMC to adopt and implement a better public notification system of sewage spills modeled on what Georgia does but the Director successfully opposed the modest changes and a majority of the AEMC agreed. Alabama could and should be doing far more with phone, text, social media, and local physical signage, but Director LeFleur instead sided with regulated wastewater operators to maintain the unenforceable status quo of limited public notice. The email notification system ADEM created in lieu of producing clear guidance through enforceable regulation falls short of adequately notifying the public in numerous ways, so countless families are recreating downstream of raw sewage spills.
- Director LeFleur sometimes exhibits a lack of transparency to the media and the public whom he serves. ABC 33/40 Reporter Cynthia Gould's interview is a good example: instead of taking the opportunity to reassure the public in a calm fashion as well as provide useful information during the Tyson spill, Director LeFleur appeared more concerned about giving "due process" to a polluter. If the information ADEM made available on its website was adequate to inform the public, why was the agency overwhelmed with questions from the public and the media? That interview provided a snapshot of how ADEM operates under Director LeFleur, and it is clearly not on behalf of the general public nor Alabama's environment.
- Director LeFleur continues to fail to make the case to the State legislature for adequate funding for environmental protection and his agency;
- Director LeFleur continues to fail to develop and implement a proper non-discrimination policy for ADEM (resulting in a series of legal actions against ADEM by public interest lawyer David Ludder);
- Director LeFleur's continues to fail to oversee the development of a transparent penalty policy at ADEM which would inform industry and the public how penalties for environmental violations are calculated by ADEM; provide needed deterrent value; and adequately take away the economic benefits of polluting.

- Director LeFleur has presided over the removal of waterbodies from the State's list of impaired waters without following ADEM's own standards for removing these waters (e.g., 2018 removal of Lost Creek, Big Yellow Creek) as well as writing inadequate pollution controls for impaired streams (e.g. Black Creek);
- Director LeFleur has failed to understand or factor in the importance of clean water and public recreation to the State's citizens and economy when approaching environmental regulation and compliance.

Recent Fish Kills Illustrate the Director's Failure to Create a Culture of Compliance, Protect the Public Interest

There have been two notable fish kills in the Black Warrior basin this year which well illustrate some of the concerns outlined above. The first occurred March 23, 2019 at Alabama Power's Plant Gorgas, which spilled a fire suppressant into Bakers Creek, a tributary of the Mulberry Fork of the Black Warrior River. Although that spill resulted in a fish kill investigated by ADEM and the Alabama Department of Conservation and Natural Resources (ADCNR), ADEM still has not taken any enforcement action over four months later. ADCNR estimates the value of the fish killed at \$109,292.57. We note that this incident was not the first fish kill at Plant Gorgas. ADEM failed to assign responsibility for a June 2016 fish kill at Plant Gorgas, and did not fine Alabama Power.

The second fish kill occurred at Tyson Food's Hanceville plant. ADEM's eFile system shows that this facility was in noncompliance on the following dates: June 2018, July 2018, August 2018, November 2018 and May 2019. On June 6, 2019, Tyson spilled over 220,000 gallons of wastewater into Dave Young Creek, a tributary of the Mulberry Fork of the Black Warrior River. This spill disrupted the lives of thousands of people who live, recreate and depend upon the Mulberry Fork for drinking water. The spill caused a massive fish kill on the river, extending some thirty miles below the spill. An ADCNR biologist estimates it will take at least five years for the Mulberry Fork fishery to recover, even as ADEM declared in a July 25, 2019 newsletter "Mulberry Fork Back to Normal."

We are concerned that ADEM allows too many violations (like those earlier violations at River Valley Ingredients) to go unchecked and unaddressed unless they become impossible to ignore, like the June 6, 2019 spill. ADEM allows other investigations (like the fish kill at Plant Gorgas) to remain open indefinitely with little or no apparent consequences for the violator. It is the Director's responsibility to create a culture of compliance regarding environmental regulation and enforcement; unfortunately he has failed to do so. Expectations should be clear and enforcement should be swift, consistent and transparent. Unfortunately, during Director LeFleur's tenure, this has not been the case.

We also point out that ADEM's sampling plan post-spill for the Tyson spill was not adequate to determine the impacts on the public downstream of the spill. Immediately after the spill, Tyson

mistakenly informed the public that, since the dissolved oxygen levels responsible for the fish kill had returned to acceptable ranges, it was safe to recreate downstream.

Nothing could be further from the truth. At the time, ADEM had collected bacteria data samples that showed elevated *E. coli* levels in the Mulberry Fork. However, ADEM failed to provide the public with their sampling results from the initial days after the spill, so there was no transparency about whether *E. coli* bacteria levels were unsafe for human contact. Riverkeeper collected samples on June 10, 2019 showing *e. coli* bacteria levels 28 miles below the spill were still double Alabama's water quality standard, so we promptly shared that information with the public, as ADEM should have done. ADEM released only their sample results from limited bacteria testing done on June 13th, which were used to conclude the Mulberry Fork was safe. However, sampling was not done in the area of the Mulberry Fork over 45 miles downstream, where the spill and dead fish had already migrated, so many people were left in the dark about whether it was safe to recreate and fish downstream.

Communication and Leadership

Instead of acknowledging and addressing this critical mistake, Director LeFleur publicly maintained that the Mulberry Fork was safe and that ADEM had acted appropriately. Actions like these are harmful in two important respects. First, as ADEM's public face, the Director should exercise extreme caution when making judgments about safety for the public he serves. Second, the ability to acknowledge fault or address mistakes is an essential component of good leadership.

Director LeFleur similarly let the public down by not communicating with North Alabama communities when 3M disclosed to the Department it was discharging PFAS into the Tennessee River. In responding to criticism for this failure, Director LeFleur stated that "ADEM has no regulatory authority to set limits for the discharge" of PFAS, which is not the issue. Director LeFleur and ADEM knew industries were discharging PFAS, but failed to inform communities and their drinking water systems. PFAS is a group of chemicals linked to cancer.

While it is true that EPA is currently considering regulatory options to address the environmental and health risks associated with PFAS, other states have been filling the gap with action. The range of state actions include developing drinking water and groundwater cleanup standards; regulating PFAS-containing products; evaluating PFAS at remediation sites and businesses; and litigating against companies alleged to have caused PFAS contamination. Some states (including Alaska, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, and Vermont) have policies or have indicated that they are pursuing policies stricter than the 70 ppt EPA advisory limit for PFOA and PFOS. Beginning in July 2019, California will ban discharges of PFOA and PFOS to drinking water resources. States such as Minnesota, New Jersey and New Hampshire have filed lawsuits against primary manufacturers of PFAS products, with Minnesota achieving an \$850 million settlement with 3M for groundwater contamination in February 2018. So there are many avenues Alabama and ADEM could take to protect

the public interest; they simply choose not to do so. Again, we want to see a Director whose primary focus is the safety and wellbeing of the public.

Director Continued Failure to Incentivize Enforcement as a Necessary and Meaningful Compliance and Funding Initiative

Director LeFleur often talks of the importance of collaboration rather than enforcement as a means to foster permit compliance among permittees. Collaboration is but one tool in the toolbox and it is overused by the Department. The lack of aggressive inspections, investigations, and enforcement sends the wrong message to the Department's permittees. When permittees' interactions with ADEM after permit noncompliance involve warning letters, notices of violation, long compliance schedules, and nominal fines rather than meaningful enforcement actions and fines, the message ADEM sends is quite clear. That message is that it is cheaper to put up with ADEM's ineffective enforcement as a cost of doing business. Not only is deterrence of future violations lost, so is a financial opportunity for ADEM and the state. If ADEM had a Director that prioritized effective enforcement of laws, the Department could levy millions of dollars of fines every year. Those fines would feed into the General Fund and could be a bargaining chip for the Director to use in demanding adequate funding from the state for ADEM's operations.

Conclusion

Instead of learning from past mistakes, Director LeFleur's performance over the past year suggests he is intent on repeating them. A July 2, 2019 letter Director LeFleur sent to you well illustrates this point. Reacting defensively to public criticism of his leadership on key fronts, the Director accepts no fault and blames the media. The inability to acknowledge and correct mistakes, whether it is allowing representatives of regulated industry to appear to improperly influence regulatory decisions about North Birmingham or dissembling after the recent spill and fish kill at Tyson Food's River Valley Ingredients, harms the agency he leads and the public he protects.

ADEM's mission is "to assure for all citizens of the State a safe, healthful and productive environment." For the second year in a row, Director LeFleur has failed to lead ADEM in a manner that advances that mission. It is time for ADEM's leadership to take a new direction. When the EMC puts together the appropriate search committee for his replacement, we ask that representatives from the environmental community and the public be a part of that committee.

Thank you for consideration of our comments. We look forward to your response.

For the River,



Nelson Brooke
Riverkeeper



John Kinney
Enforcement Coordinator



Eva Dillard
Staff Attorney

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JUL 31 2019

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